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Attorneys for Defendants
7 BEAUTY SYSTEMS GROUP, LLC AND
SALLY BEAUTY HOLDINGS, INC.
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 NOEMI GOMEZ,

13 Plaintiff,

14 v.

15 BEAUTY SYSTEMS GROUP LLC,
SALLY BEAUTY HOLDINGS, INC.,
16 JENNIFER MARTINEZ, and DOES 1
through 20, inclusive,
17

Defendants.
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Case No. 2:22-cv-03685

**CERTIFICATE OF SERVICE OF
NOTICE TO STATE COURT AND
ADVERSE PARTIES OF
REMOVAL TO FEDERAL
COURT**

1 I, Cecilia Mendoza, certify and declare as follows:

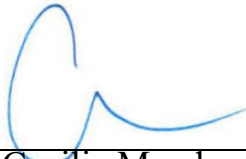
2 I am over the age of 18 years and not a party to this action.

3 My business address is Littler Mendelson, P.C., 18565 Jamboree Road, Suite
4 800, Irvine, California 92612, which is located in the city, county and state where the
5 mailing described below took place.

6 On May 31, 2022, I served and filed the Notice to State Court and Adverse Parties
7 of Removal to Federal Court, a true and correct copy of which is attached as **Exhibit A**
8 to this Certificate along with the Proof of Service, by placing true copies of the same
9 for collection and mailing following the firm's ordinary business practice in a sealed
10 envelope with postage thereon fully prepaid for deposit in the United States mail at
11 Irvine, California.

12 I declare under penalty of perjury that the foregoing is true and correct.

13 Executed on May 31, 2022, at Irvine, California.

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16 
Cecilia Mendoza

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EXHIBIT A

1 IAN G. ROBERTSON, Bar No. 283151
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6 Attorneys for Defendants
7 BEAUTY SYSTEMS GROUP LLC and SALLY
BEAUTY HOLDINGS, INC.
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11

12 NOEMI GOMEZ,

13 Plaintiff,

14 v.

15 BEAUTY SYSTEMS GROUP LLC, SALLY
16 BEAUTY HOLDINGS, INC., JENNIFER
MARTINEZ, and DOES 1 through 2, inclusive,

17 Defendants.
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Case No. 22STCV13843

**NOTICE TO STATE COURT AND
ADVERSE PARTIES OF REMOVAL TO
FEDERAL COURT**

ASSIGNED FOR ALL PURPOSES TO
JUDGE HON. WILLIAM FAHEY, DEPT.
69

Trial Date: Not Set
Complaint Filed: April 26, 2022

4872-8528-1056.1 / 116245-1000

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT, PLAINTIFF NOEMI GOMEZ,**
2 **AND HER ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that Defendants BEAUTY SYSTEMS GROUP LLC and SALLY
4 BEAUTY HOLDINGS, INC. filed a Notice of Removal of Civil Action to Federal Court pursuant to
5 28 U.S.C. Sections 1332, 1441, 1446, and 1453 ("Notice of Removal") in the United States District
6 Court for the Central District of California on May 31, 2022. A copy of said Notice of Removal is
7 attached to this Notice as Exhibit "1," and is served and filed herewith.

8 PLEASE TAKE FURTHER NOTICE that the filing of said Notice of Removal in federal court,
9 together with the filing of a copy of said notice with this Court, effects the removal of this action in
10 accordance with 28 U.S.C. section 1446(d).

11
12 Dated: May 31, 2022

LITTLER MENDELSON, P.C.

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Ian G. Robertson
Katharine McCall

Attorneys for Defendants
BEAUTY SYSTEMS GROUP LLC and SALLY
BEAUTY HOLDINGS, INC.

EXHIBIT 1

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7 Attorneys for Defendants
BEAUTY SYSTEMS GROUP, LLC AND
8 SALLY BEAUTY HOLDINGS, INC.

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 NOEMI GOMEZ,

13 Plaintiff,

14 v.

15 BEAUTY SYSTEMS GROUP LLC,
16 SALLY BEAUTY HOLDINGS, INC.,
JENNIFER MARTINEZ, and DOES 1
through 20, inclusive,

17 Defendants.
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Case No.

**NOTICE TO FEDERAL COURT
OF REMOVAL OF CIVIL
ACTION FROM STATE COURT
PURSUANT TO 28 U.S.C.
SECTIONS 1332(A)(1), 1441, AND
1446**

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT, PLAINTIFF NOEMI**
 2 **GOMEZ, AND PLAINTIFF’S ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that Defendants BEAUTY SYSTEMS GROUP LLC
 4 and SALLY BEAUTY HOLDINGS, INC. (collectively “Defendants”) hereby remove
 5 the above-entitled action, Case No.22STCV13843, from the Superior Court of the State
 6 of California, County of Los Angeles, to the United States District Court for the Central
 7 District of California, pursuant to 28 U.S.C. sections 1332, 1441 and 1446.

8 This Notice is based upon the original jurisdiction of the federal district court
 9 over the parties under 28 U.S.C. section 1332 (“Section 1332”) based upon complete
 10 diversity of citizenship.

11 Defendants make the following allegations in support of their Notice of Removal:

12 **JURISDICTION [LOCAL RULE 8-1]**

13 1. This Court has original jurisdiction under 28 U.S.C. section 1332(a)(1),
 14 and this case may be removed pursuant to the provisions of 28 U.S.C. section 1441(a),
 15 in that it is a civil action wherein the amount in controversy for the named plaintiff
 16 exceeds the sum of seventy-five thousand dollars (\$75,000.00), exclusive of interest
 17 and costs, and it is between “citizens of different States.” As set forth below, this case
 18 meets all of Section 1332’s requirements for removal and is timely and properly
 19 removed by the filing of this Notice.

20 2. Venue is proper in this Court pursuant to 28 U.S.C. sections 84(c)(2), 1391,
 21 and 1446.

22 **PLEADINGS, PROCESS AND ORDERS**

23 3. This lawsuit arises out of the Complaint of Plaintiff NOEMI GOMEZ
 24 (“Plaintiff”) related to her alleged employment with Defendants. On April 26, 2022,
 25 Plaintiff filed a Complaint in the Superior Court of the State of California, County of
 26 Los Angeles, styled *Noemi Gomez v. Beauty Systems Group LLC; Sally Beauty*
 27 *Holdings, Inc.; Jennifer Martinez; and DOES 1 through 20, inclusive*, bearing Case
 28 No. 22STCV13843. On April 29, 2022, Plaintiff served on Defendants SALLY

1 BEAUTY HOLDINGS, INC. (herein “SBH”) and BEAUTY SYSTEMS GROUP LLC
 2 (herein “BSG”) a copy of the Complaint, Summons, Civil Case Cover Sheet, Civil Case
 3 Cover Sheet Addendum and Statement of Location, Notice of Case Assignment, First
 4 Amended General Order, Order Pursuant to CCP 1054(a) Extending Time to Respond
 5 by 30 Days When Parties Agree to Early Organizational Meeting Stipulation, and
 6 Alternative Dispute Resolution Information Package. The Complaint asserts the
 7 following nine causes of action: (1) Gender, Sex, Disability, and Medical Condition
 8 Harassment and Hostile Work Environment, Cal. Gov. Code § 12940(j); (2) Gender,
 9 Sex, Disability, and Medical Condition Discrimination, Cal. Gov. Code § 12940(a);
 10 (3) Failure to Prevent Discrimination and Harassment, in Violation of FEHA, Cal. Gov.
 11 Code § 12940(k); (4) Failure to Engage in a Good Faith Interactive Process, Cal. Gov.
 12 Code § 12940(n); (5) Failure to Provide Reasonable Accommodation, Cal. Gov. Code §
 13 12940(m); (6) Retaliation in Violation of FEHA, Cal. Gov. Code § 12940(h);
 14 (7) Retaliation, Cal. Lab. Code § 1102.5; (8) Violation of Pregnancy Disability Leave
 15 Laws; and (9) Wrongful Discharge in Violation of Public Policy. Attached hereto as
 16 **Exhibit “A”** is a true and correct copy of the Complaint. On May 26, 2022, Defendants
 17 SBH and BSG filed an Answer to Plaintiff’s Complaint.

18 4. Attached hereto are the following documents served on Defendants SBH
 19 and BSG: **Exhibit “B”** is a true and correct copy of the Summons; **Exhibit “C”** is a
 20 true and correct copy of the Civil Case Cover Sheet; **Exhibit “D”** is a true and correct
 21 copy of the Civil Case Cover Sheet Addendum and Statement of Location; **Exhibit “E”**
 22 is a true and correct copy of the Notice of Case Assignment; **Exhibit “F”** is a true and
 23 correct copy of the First Amended General Order; **Exhibit “G”** is a true and correct
 24 copy of the Order Pursuant to CCP 1054(a) Extending Time to Respond by 30 Days
 25 When Parties Agree to Early Organizational Meeting Stipulation; **Exhibit “H”** is a true
 26 and correct copy of the Alternative Dispute Resolution Information Package; and
 27 attached hereto as **Exhibit “I”** is a true and correct copy of the Answer of Defendants
 28 SBH and BSG.

5. Pursuant to 28 U.S.C. section 1446(a), the attached exhibits constitute all process, pleadings, and orders served upon Defendants SBH or BSG or filed or received in this action by Defendants SBH or BSG.

TIMELINESS OF REMOVAL

6. On April 29, 2022, Defendants SBH and BSG were served with notice of process.

7. Pursuant to 28 U.S.C. section 1446(b), this Notice of Removal is therefore timely filed as it is filed within thirty (30) days after Defendants SBH and BSG was effectively served with the Summons and Complaint and within one year after commencement of this action, taking court rules regarding deadlines landing on weekends and holidays into account.

DIVERSITY JURISDICTION PURSUANT TO SECTION 1332

8. Section 1332(a) provides, in relevant part, as follows:

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between –

(1) citizens of different States[.]

9. This action is a civil action over which this Court has original jurisdiction based on diversity of citizenship pursuant to Section 1332(a), and is one which may be removed to this Court by Defendants SBH and BSG pursuant to 28 U.S.C. section 1441(b) because it is a civil action between citizens of different States and the amount in controversy exceeds \$75,000, exclusive of interest and costs, as set forth below.

10. For diversity purposes, a person is a “citizen” of the State in which he or she is domiciled. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th Cir. 1983). A person’s domicile is the place he or she resides with the intention to remain, or to which he or she intends to return. *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). Plaintiff alleges that she is and was at all times relevant to this lawsuit a resident of the City of Hawthorne, California, which is located within the

County of Los Angeles in the State of California, and she is therefore a citizen of the State of California. (Exhibit “A,” Complaint, ¶ 1.) *See Lew v. Moss*, 797 F.2d 747, 751 (9th Cir. 1986) (residency can create a rebuttable presumption of domicile supporting diversity of citizenship); *see also State Farm Mut. Auto Ins. Co. v. Dyer*, 19 F.3d 514, 519-20 (10th Cir. 1994) (allegation by party in state court complaint of residency “created a presumption of continuing residence in [state] and put the burden of coming forward with contrary evidence on the party seeking to prove otherwise”); *see also Smith v. Simmons*, No. 105-CV-01187-OWW-GSA, 2008 WL 744709, at *7 (E.D. Cal. Mar. 18, 2008) (place of residence provides “prima facie” case of domicile).

11. For diversity jurisdiction purposes, a corporation is deemed a citizen of its State of incorporation and the State where it has its principal place of business. Section 1332(c)(1). As clarified by the United States Supreme Court in *Hertz Corp. v. Friend*, 559 U.S. 77 (2010), “the phrase ‘principal place of business’ [in Section 1332(c)(1)] refers to the place where the corporation’s high level officers direct, control, and coordinate the corporation’s activities. Lower federal courts have often metaphorically called that place the corporation’s ‘nerve center.’ We believe that the ‘nerve center’ will typically be found at a corporation’s headquarters.” (Citations omitted.)

12. For purposes of determining diversity jurisdiction, a limited liability company is a citizen of every state in which its members are citizens. *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

Corporate Defendants

13. Defendant SBH was, at the time of filing this action, and still is, a corporation incorporated under the laws of the State of Delaware. (Declaration of Kenneth Mark Newton in support of Defendants’ Notice of Removal of Civil Action to Federal Court (“Newton Decl.”), ¶ 3.) Defendant SBH’s principal place of business is in the State of Texas. (*Id.* at ¶ 5.) Defendant SBH is therefore not a citizen of the State in which this action is pending and is, in fact, a citizen of a different State than that of Plaintiff.

14. Defendant BSG was, at the time of filing this action, and still is, a Virginia limited liability company with its principal place of business in Denton, Texas. (Newton Decl., ¶¶ 4-5.) Its sole member is Sally Holdings LLC, a Delaware limited liability company with its principal place of business in Denton, Texas. (*Id.* at ¶ 6.) Sally Holdings LLC, in turn, is a single-member limited liability company and its sole member is Sally Investment Holdings LLC, a Delaware limited liability company with its principal place of business in Denton, Texas. (*Id.*) Sally Investment Holdings LLC, in turn, is a single-member limited liability company and its sole member is Defendant SBH, a Delaware corporation with its principal place of business in Denton, Texas. (*Id.*) Because Defendant BSG is a single-member limited liability company with multiple limited liability company sub-members, and its ultimate member is a corporation that is a citizen of the State of Texas and the State of Delaware, Defendant BSG is therefore a citizen of the State of Texas and a citizen of the State of Delaware. Thus, it is not a citizen of the State in which this action is pending and it is a citizen of a different State than that of Plaintiff.

Fraudulently Joined Individual Defendant

15. Defendant JENNIFER MARTINEZ (“Martinez”) is not a proper defendant in this action and thus her citizenship must be disregarded under the doctrine of fraudulent joinder. *Lewis v. Time, Inc.*, 83 F.R.D. 455, 460 (E.D. Cal. 1979), *aff’d*, 710 F.2d 549 (9th Cir. 1983). Plaintiff has failed to state a cognizable claim for relief against Martinez, whom she only named as a defendant to the first cause of action: Harassment and Hostile Work Environment. As set forth herein, this claim cannot be maintained as against Martinez.

16. In fraudulent joinder cases, the Court attempts to determine whether there exists “a reasonable basis for predicting that the state law might impose liability on the facts involved.” *Lewis, supra*, 83 F.R.D. at 463 (internal citation omitted). Thus, if the plaintiff fails to state a cause of action against a non-diverse defendant, and the failure is obvious according to settled state law, then the joinder is deemed fraudulent. *See*

1 *Morris v. Princess Cruises, Inc.*, 236 F.3d 1061, 1067 (9th Cir. 2001); *McCabe v.*
2 *General Foods Corp.*, 811 F.2d 1336, 1339 (9th Cir. 1987) (joinder of plaintiff's
3 supervisor as defendant with respect to claim for IIED was fraudulent where plaintiff
4 alleged that supervisor terminated him due to malice and ill will).

5 17. Although claims for "harassment" can theoretically be maintained against
6 individuals, the factual allegations that Plaintiff alleges in support of her first cause of
7 action do not support a viable claim against Martinez.

8 18. "The elements [of a prima facie claim of hostile-environment harassment]
9 are: (1) plaintiff belongs to a protected group; (2) plaintiff was subject to unwelcome
10 harassment; (3) the harassment complained of was based on [the protected category];
11 (4) the harassment complained of was sufficiently pervasive so as to alter the conditions
12 of employment and create an abusive working environment; and (5) respondeat
13 superior." *Fisher v. San Pedro Peninsula Hospital*, 214 Cal. App. 3d 590, 608 (1989)
14 (footnote omitted).

15 19. In determining what constitutes "sufficiently pervasive" harassment,
16 courts have held that acts of harassment "cannot be occasional, isolated, sporadic or
17 trivial; rather, the plaintiff must show a concerted pattern of harassment of a repeated,
18 routine or a generalized nature." *Fisher, supra*, 214 Cal. App. 3d at 609-610 (a plaintiff
19 must show a concerted pattern of harassment of a repeat, routine, or a generalized
20 nature); *Etter v. Veriflo Corp.*, 67 Cal. App. 4th 457, 466 (1998) (racial remarks made
21 to a stock room worker every day for six weeks was not severe and pervasive conduct);
22 *see also Faragher v. City of Boca Raton*, 524 U.S. 775, 788 (1998) ("[a] recurring point
23 in these opinions is that 'simple teasing,'...offhand comments, and isolated incidents
24 (unless extremely serious) will not amount to discriminatory changes in the 'terms and
25 conditions of employment'"). Only for very severe cases will such an isolated incident
26 amount to harassment. *See Herberg v. California Institute of the Arts*, 101 Cal.App.4th
27 142, 151 (2002) ("review of the cases they cite reveals that such a single incident must
28 be severe in the extreme and generally must include either physical violence or the

threat thereof”); *Department of Corrections v. State Personnel Bd.*, 59 Cal.App.4th 131, 134 (1997) (noting incident of rape may be enough but not a single incident in which corrections officer used profane language and shook a female Hispanic fellow officer by the collar to emphasize his point). The Ninth Circuit has also held that “simple teasing, offhand comments, and isolated incidents (unless extremely serious) will not amount to discriminatory changes in the terms and conditions of employment.” *Manatt v. Bank of America*, 339 F.3d 792, 798 (9th Cir. 2003) (citations omitted).

20. In Plaintiff’s Complaint, **there are only two factual allegations specifically about Martinez and they include zero indicia of harassment or the creation of a hostile work environment:**

3. Plaintiff is informed and believes that defendant JENNIFER MARTINEZ (“defendant MARTINEZ”) is an individual residing and employed in Los Angeles County, California.

12. Defendant Martinez told Plaintiff “I do not want you lifting heavy things because you are pregnant.” Plaintiff was denied her previous shifts and hours without reason.

(Exhibit A, Complaint at ¶¶ 3, 12 (emphasis added).)

21. Plaintiff’s Complaint therefore includes no facts upon which she might be able to pursue a hostile work environment harassment claim against Martinez. Rather, at most, Plaintiff has described a non-actionable personnel management decision about which job duties Plaintiff would be asked to perform. *See, e.g., Janken v. GM Hughes Electronics*, 46 Cal. App. 4th 55, 64-65 (1996) (“personnel management” actions cannot give rise to a harassment claim). “Personnel management” decisions include “hiring and firing, job or project assignments, office or work station assignments, promotion or demotion, performance evaluations, the provision of support, the assignment or nonassignment of supervisory functions, deciding who will and who will not attend meetings, deciding who will be laid off, and the like . . .” *Id.* These are the

1 actions of the sort “necessary to carry out the duties of business and personnel
2 management.” *Id.* at 65. The alleged harassment by Martinez is nothing more than a
3 personnel management decision about her job duties – allegedly related to the routine
4 handling of an employee’s need for an accommodation – which cannot subject Martinez
5 to personal liability and does not support a claim for unlawful harassment. *Id.* at 64-65.

6 22. As the sole cause of action alleged against Martinez cannot be maintained
7 against her, the citizenship of Martinez must be ignored for the purpose of determining
8 diversity. *See Lewis, supra*, 83 F.R.D. at 460.

9 Doe Defendants

10 23. The Complaint names as defendants “DOES 1 through 50.” Pursuant to
11 28 U.S.C. section 1441(a), however, the citizenship of defendants sued under fictitious
12 names must be disregarded for the purpose of determining diversity jurisdiction. *See*
13 *Newcombe v. Adolf Coors Co.*, 157 F.3d 686, 690-91 (9th Cir. 1998). Thus, there exists
14 complete diversity in this case.

15 24. As more fully set forth below, the amount in controversy in the Complaint
16 exceeds the sum of seventy-five thousand dollars (\$75,000.00), exclusive of interest
17 and costs.

18 **THE AMOUNT IN CONTROVERSY REQUIREMENT IS MET**

19 25. To measure the amount in controversy, the Ninth Circuit instructs courts
20 to first consider whether it is “facially apparent” from the complaint that the
21 jurisdictional amount has been satisfied. *Singer v. State Farm Mut. Auto. Ins. Co.*, 116
22 F.3d 373, 377 (9th Cir. 1997). In measuring the amount in controversy, “a court must
23 assume that the allegations of the complaint are true and assume that a jury will return
24 a verdict for the plaintiff on all claims made in the complaint.” *Kenneth Rothschild*
25 *Trust v. Morgan Stanley Dean Witter*, 199 F. Supp. 2d 993, 1001 (C.D. Cal. 2002)
26 (internal quotations and brackets omitted).

27 26. If the complaint does not clearly establish the jurisdictional amount, then
28 the court may consider facts in the removal petition. *Singer, supra*, 116 F.3d at 377;

1 *see also Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 1117 (9th Cir. 2004); (“[W]e
2 reiterate that the amount-in-controversy inquiry in the removal context is not confined
3 to the face of the complaint.”). Defendants’ burden is not high – they simply must
4 show, by preponderance of the evidence, that the amount in controversy exceeds
5 \$75,000. *Sanchez v. Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996).

6 27. Here, it can be reasonably ascertained from the pleadings and the prayer
7 for relief that the amount in controversy does, in fact, exceed \$75,000. Initially, Plaintiff
8 seeks general and special damages, which would include compensatory damages in the
9 form of loss of earnings and benefits. (Exhibit A, Complaint, p. 17, Prayer, ¶¶ 1-2.)
10 Plaintiff worked from February 5, 2021 until September 18, 2021. (Exhibit A,
11 Complaint, ¶¶ 9, 13; Newton Decl., ¶ 7.) Plaintiff’s final rate of pay was \$15.00 per
12 hour (*Id.*), which equals an annual income of approximately \$30,000.00 based upon a
13 40 hour per week work schedule with two weeks off (i.e., 2,000 hours per year).
14 Defendants anticipate a trial date in this matter in approximately mid-to-late 2023.
15 Although Defendants deny that Plaintiff is entitled to recover any damages, assuming,
16 *arguendo*, that Plaintiff was awarded back wages for approximately two years (from
17 her last date of employment to the likely date of trial), the amount of back pay in
18 controversy in this case based on her hourly rate would total approximately \$60,000.00.

19 28. In addition, Plaintiff’s prayer for general and special damages may include
20 front pay as a result of the alleged wrongs by Defendants. (Exhibit A, Complaint, p. 17,
21 Prayer, ¶¶ 1-2.) Such awards in California can span several years. *See Rabago-Alvarez*
22 *v. Dart Indus.*, 55 Cal. App. 3d 91, 92 (1976) (four years); *Drzewiecki v. H & R Block,*
23 *Inc.*, 24 Cal. App. 3d 695, 705 (1972) (ten years). Even estimating that Plaintiff seeks
24 front pay damages for two years, the amount of future wages in controversy in this case
25 would total at least an additional \$60,000.00, approximately. Thus, it may reasonably
26 be estimated that Plaintiff’s claims involve possible back pay and front pay damages
27 which alone total approximately \$120,000.00.

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1 29. Plaintiff also seeks recovery of non-economic damages and “severe”
2 emotional distress, including but not limited to damages for “humiliation, anxiety,
3 severe emotional distress, worry, fear, and injury to her reputation.” (Exhibit A,
4 Complaint, ¶ 22; and p. 17, Prayer, ¶ 1-2.) An award of damages for emotional distress
5 alone can reasonably be anticipated to be far in excess of the jurisdictional minimum.
6 *Simmons v. PCR Technology*, 209 F. Supp. 2d 1029, 1034 (N.D. Cal. 2002) (citing case
7 in which an award for pain and suffering in an employment discrimination case totaled
8 \$3.5 million, and recognizing that “emotional distress damages in a successful
9 employment discrimination case may be substantial”).

10 30. Plaintiff also seeks punitive damages. (Exhibit A, Complaint, p. 17,
11 Prayer, ¶ 3.) The Court must take into account punitive damages for purposes of
12 determining the amount in controversy where such damages are recoverable under state
13 law. *See Davenport v. Mutual Benefit Health and Accident Ass’n*, 325 F.2d 785, 787
14 (9th Cir. 1963); *Brady, supra*, 243 F. Supp. 2d at 1009. California law does not provide
15 any specific monetary limit on the amount of punitive damages that may be awarded
16 under Civil Code section 3294. *Boyle v. Lorimar Productions, Inc.*, 13 F.3d 1357, 1360
17 (9th Cir. 1994). Additionally, employment discrimination cases have the potential for
18 large punitive damages awards. *Simmons, supra*, 209 F. Supp. 2d at 1033. A punitive
19 damages award may equal as much as four times the amount of the actual damages
20 award. *State Farm Mutual Auto Ins. Co. v. Campbell*, 538 U.S. 408, 425 (2003). For
21 example, in *Aucina v. Amoco Oil, Co.*, 871 F.Supp. 332 (S.D. Iowa 1994), the defendant
22 employer established that the amount in controversy exceeded the jurisdictional
23 minimum in a discrimination and wrongful discharge lawsuit where the former
24 employee asserted claims for lost wages, lost benefits, mental anguish, and punitive
25 damages. The court noted that “[b]ecause the purpose of punitive damages is to capture
26 a defendant’s attention and deter others from similar conduct,” the plaintiff’s claim for
27 punitive damages “alone might” exceed the jurisdictional minimum. *Id.* at 334.
28 Although Defendants vigorously deny Plaintiff’s allegations, if Plaintiff were to prevail

1 on her punitive damages claim, that amount alone could exceed the jurisdictional
2 minimum.

3 31. Plaintiff also seeks such open-ended relief as “such other relief as the Court
4 deems necessary, just and proper.” (Exhibit A, Complaint, p. 17, Prayer, ¶ 6.)
5 Although uncertain in amount, these additional damages claims only serve to increase
6 the amount in controversy. *See, Lewis v. Exxon Mobil Corp.*, 348 F. Supp. 2d 932, 932-
7 934 (W.D. Tenn. 2004) (the “open ended” relief sought by plaintiff, who prayed for
8 “judgment to be determined by a jury, for all incidental, consequential, compensatory
9 and punitive damages” established that his case met the amount in controversy
10 requirement even though she pleaded in the complaint that she did not assert a claim in
11 excess of \$75,000.)

12 32. Based upon the pleadings, it does not appear to a “legal certainty that the
13 claim is really for less than” the amount in controversy minimum. *Spielman v. Genzyme*
14 *Corp.*, 251 F.3d 1, 5 (1st Cir. 2001) (*quoting St. Paul Mercury Indem. Co. v. Red Cab*
15 *Co.*, 303 U.S. 283, 288-89 (1938)). Thus, Defendants have carried their burden of
16 demonstrating by a preponderance of the evidence that the amount in controversy in
17 this matter clearly exceeds the jurisdictional minimum of \$75,000.

18 33. For these reasons, this action is a civil action over which this Court has
19 original jurisdiction pursuant to Section 1332, and which may be removed by
20 Defendants to this Court pursuant to 28 U.S.C. section 1441 based on diversity
21 jurisdiction.

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NOTICE TO STATE COURT AND PLAINTIFF

34. Contemporaneously with the filing of this Notice of Removal in the United States District Court for the Central District of California, written notice of such filing will be given by the undersigned to Raymond E. Hane III and Nicholas A. Hane of California Employment Counsel APC, Plaintiff's counsel of record. In addition, a copy of this Notice of Removal will be filed with the Clerk of the Superior Court of the State of California for the County of Los Angeles.

Dated: May 31, 2022

LITTLER MENDELSON, P.C.



Ian G. Robertson
Katharine McCall

Attorneys for Defendants
BEAUTY SYSTEMS GROUP, LLC and
SALLY BEAUTY HOLDINGS, INC.

PROOF OF SERVICE BY MAIL

I am employed in Orange County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 18565 Jamboree Road, Suite 800, Irvine, California 92612. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On May 31, 2022, I had EXPRESS NETWORK deposit with the United States Postal Service a true and correct copy of the within document(s):

**NOTICE TO FEDERAL COURT OF REMOVAL OF
CIVIL ACTION FROM STATE COURT PURSUANT
TO 28 U.S.C. SECTIONS 1332(A)(1), 1441, AND 1446**

in a sealed envelope, postage fully paid, addressed as follows:

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Noemi Gomez

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 31, 2022, at Irvine, California.


Cecilia Mendoza

EXHIBIT A

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: William Fahey

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6 Attorneys for Plaintiff, NOEMI GOMEZ

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

10 NOEMI GOMEZ,

11 Plaintiff,

12 v.

13 BEAUTY SYSTEMS GROUP LLC, SALLY
14 BEAUTY HOLDINGS, INC., JENNIFER
15 MARTINEZ, and DOES 1 through 20,
inclusive,

16 Defendants.

) Case No.: **22STCV13843**

) (UNLIMITED JURISDICTION)

) **COMPLAINT FOR DAMAGES**

-) 1. Gender, Sex, Disability, and Medical
) Condition Harassment and Hostile Work
) Environment, Cal. Gov. Code § 12940(j)
-) 2. Gender, Sex, Disability, and Medical
) Condition Discrimination, Cal. Gov. Code
) § 12940(a)
-) 3. Failure to Prevent Discrimination and
) Harassment, in Violation of FEHA, Cal.
) Gov. Code § 12940(k)
-) 4. Failure to Engage in a Good Faith
) Interactive Process, Cal. Gov. Code
) § 12940(n)
-) 5. Failure to Provide Reasonable
) Accommodation, Cal. Gov. Code
) § 12940(m)
-) 6. Retaliation in Violation of FEHA, Cal.
) Gov. Code § 12940(h)
-) 7. Retaliation, Cal. Lab. Code § 1102.5
-) 8. Violation of Pregnancy Disability Leave
) Laws
-) 9. Wrongful Discharge in Violation of Public
) Policy

) **JURY TRIAL DEMAND**

1 Plaintiff NOEMI GOMEZ alleges the following causes of action against defendants
2 BEAUTY SYSTEMS GROUP LLC, SALLY BEAUTY HOLDINGS, INC., JENNIFER
3 MARTINEZ, and DOES 1 through 20, inclusive, (collectively "DEFENDANTS"):

4 **PARTIES**

5 1. Plaintiff NOEMI GOMEZ ("Plaintiff") is an individual and a taxpayer over eighteen
6 years of age who at all relevant times, resided in Hawthorne, California. Plaintiff was employed
7 with defendant BEAUTY SYSTEMS GROUP LLC, SALLY BEAUTY HOLDINGS, INC., and
8 DOES 1 through 20, inclusive in the County of Los Angeles, California. Plaintiff is informed and
9 believes that defendant BEAUTY SYSTEMS GROUP LLC ("defendant "BEAUTY SYSTEMS")
10 is a corporation, operating under the laws of the State of California, and is and was at all times
11 mentioned herein qualified to do business in California.

12 2. Plaintiff is informed and believes that defendant SALLY BEAUTY HOLDINGS, INC.
13 ("defendant "SALLY BEAUTY") is a corporation, operating under the laws of the State of
14 California, and is and was at all times mentioned herein qualified to do business in California.

15 3. Plaintiff is informed and believes that defendant JENNIFER MARTINEZ ("defendant
16 MARTINEZ") is an individual residing and employed in Los Angeles County, California.

17 4. The true names and capacities of defendant named as Doe 1 through Doe 20, inclusive,
18 whether an individual, entity, or otherwise are presently unknown to Plaintiff. Plaintiff will
19 amend this complaint, setting forth the true names and capacities of these fictitious defendants
20 when they are ascertained. Plaintiff is informed and believes, and on that basis alleges, that each
21 of the fictitious defendants have participated in the acts alleged in this Complaint to have been
22 done by the named defendant(s).

23 5. Plaintiff is informed and believes that at all times Defendants BEAUTY SYSTEMS and
24 SALLY BEAUTY was an employer as defined in the California Fair Employment and Housing
25 Act ("FEHA"), Government Code section 12900, et seq., in that Defendants BEAUTY
26 SYSTEMS and SALLY BEAUTY employed the minimum or more than the minimum number of
27 employees in the State of California to be classified as an employer. Plaintiff is further informed
28 and believes that DEFENDANTS and DOES 1 through 20 were agents, representatives, and

1 employees of each and every defendant at all relevant times and the acts committed were done
2 within the scope of employment or ratified by Defendants BEAUTY SYSTEMS and SALLY
3 BEAUTY, all other defendants, and DOES 1 through 20.

4 6. Plaintiff is informed and believes that all actions by each defendant herein were ratified
5 or approved by the officers or managing agents of each defendant and each was approved by
6 Defendants BEAUTY SYSTEMS and SALLY BEAUTY and DOES 1 through 20. Plaintiff
7 further is informed and believes and on that basis alleges that, at all relevant times, each
8 defendant, whether named or fictitious, was the agent or employee of each of the other defendant,
9 and in doing the things alleged to have been done in the Complaint, acted within the scope of
10 such agency or employment, or ratified the acts of the other.

11 ADMINISTRATIVE COMPLAINT AND ISSUANCE OF RIGHT TO SUE

12 7. Plaintiff complained to the State of California, Department of Fair Employment and
13 Housing on or about April 25, 2022. The Department of Fair Employment and Housing
14 ("DFEH") issued a right to sue on behalf of Plaintiff against each and every named defendant on
15 the claims made herein around April 25, 2022. Thereafter, Plaintiff presented each of the charges
16 and Right to Sue Notice letter to Defendants BEAUTY SYSTEMS and SALLY BEAUTY by
17 certified mail around April 26, 2022. Plaintiff has therefore filed suit within one year of the
18 issuance of the right to sue for these claims presented under the FEHA.

19 JURISDICTION AND VENUE

20 8. Venue is proper in this judicial district, pursuant to California Code of Civil Procedure
21 section 395(a) and California Government Code section 12965(b), and the amounts in
22 controversy exceed this Court's jurisdictional minimum. Plaintiff was employed in Los Angeles
23 County, Defendants BEAUTY SYSTEMS and SALLY BEAUTY is an entity doing business in
24 the County of Los Angeles, defendant MARTINEZ is an individual employed and residing in the
25 County of Los Angeles, and all acts and omissions giving rise to liability are alleged to have
26 occurred in the County of Los Angeles.

27 GENERAL FACTUAL ALLEGATIONS

28 9. Plaintiff started with Defendants BEAUTY SYSTEMS and SALLY BEAUTY in

January 2021 as an inside sales representative. Plaintiff consistently improved throughout her tenure at BEAUTY SYSTEMS AND SALLY BEAUTY. Plaintiff was repeatedly asked to run the store on her own when her initial manager left Defendants' employ.

10. Plaintiff informed Defendants' managers about her pregnancy in May 2021. Plaintiff did not present Defendants with any restrictions for her work while she was pregnant.

11. Shortly after informing Defendants of her pregnancy, Plaintiff's hours were cut. Plaintiff received unwarranted write-ups after informing Defendants that she was pregnant.

12. Defendant Martinez told Plaintiff "I do not want you lifting heavy things because you are pregnant." Plaintiff was denied her previous shifts and hours without reason.

13. Plaintiff complained and was immediately given more backdated write-ups. In response to her complaints and shortly before Plaintiff could have taken maternity leave, Plaintiff was terminated on September 18, 2021.

14. These acts on the part of her employer, DEFENDANTS and other employees were and are in violation of the following provisions under FEHA:

- 1) Disability, Pregnancy, Sex, and Gender Harassment and Hostile Work Environment (Gov. Code § 12940(j));
- 2) Disability, Pregnancy, Sex, and Gender Discrimination (Gov. Code § 12940(a));
- 3) Failure to Engage in a Good Faith the Interactive Process (Gov. Code § 12940(n));
- 4) Failure to Provide a Reasonable Accommodation (Gov. Code § 12940(m));
- 5) Failure to Take All Reasonable Steps to Prevent Discrimination and Harassment (Gov. Code § 12940(k));
- 6) Retaliation in Violation of FEHA, Cal. Gov. Code § 12940(h).

FIRST CAUSE OF ACTION

Harassment and Hostile Work Environment

(Government Code Section 12940(j))

(Against All Defendants and Does 1 through 20)

15. Plaintiff restates and incorporates by reference each and every allegation contained in paragraphs 1 through 14 as though fully set forth herein.

1 16. Under the FEHA, it is an unlawful employment practice, “[f]or an employer, because of
2 [the] . . . physical disability, mental disability, medical condition, . . . sex, [and] gender, . . . of any
3 person . . . to harass an employee.” Gov. Code § 12940(j). “Harassment of an employee . . . shall
4 be unlawful if the entity, or its agents or supervisors, knows or should have known of this conduct
5 and fails to take immediate and appropriate corrective action.” Id.

6 17. “An employee of an entity . . . is personally liable for any harassment prohibited by this
7 section that is perpetrated by the employee, regardless of whether the employer or covered entity
8 knows or should have known of the conduct and fails to take immediate and appropriate
9 corrective action. Gov. Code § 12940(j)(3).

10 18. An employer is strictly liable for a supervisor who harasses an employee. Gov. Code.
11 section 12940(j)(1)

12 19. Plaintiff was harassed, reprimanded and retaliated against because she was pregnant and
13 could have taken maternity leave. Defendant’s treatment of Plaintiff, up to and including her
14 termination, was patently unlawful.

15 20. In doing the acts alleged herein, each and every defendant engaged in discriminatory
16 acts and conduct intentionally, oppressively, with malice towards Plaintiff, or a reckless
17 indifference to her statutorily protected rights and in conscious disregard of the rights, both
18 statutory and common law, guaranteed to Plaintiff by the State of California. No member of the
19 community should suffer these acts. As such, DEFENDANTS are guilty of oppression and
20 malice for which Plaintiff is entitled to punitive damages, in an amount to be proven at trial.

21 21. As a proximate result of DEFENDANTS’ actions against Plaintiff, Plaintiff has suffered
22 economic losses not yet determined, in an amount to be proven at trial.

23 22. As a proximate result of DEFENDANTS’ conduct, Plaintiff has suffered and continues
24 to suffer, humiliation, anxiety, severe emotional distress, worry, fear, and injury to her reputation,
25 all to her special and general damage according to proof at the time of trial.

26 23. All actions of each defendant, its employees, agents and managers, and each of them as
27 herein alleged, were known, ratified and approved by the officers or managing agents of each
28 defendant.

24. Code of Civil Procedure section 1021 provides that attorneys' fees are recoverable in an action for which they are specifically provided by statute. Government Code section 12965 provides that reasonable attorneys' fees and costs are recoverable herein by the prevailing party, within the discretion of the court. Plaintiff has retained an attorney for the prosecution of this action. As a result, Plaintiff is entitled to her reasonable attorneys' fees, costs, and related expenses incurred.

25. Plaintiff also seeks prejudgment interest and costs of action as provided by law.

SECOND CAUSE OF ACTION

Discrimination on the Basis of Disability, Medical Condition, Sex, and Gender

(Government Code Section 12940(a))

(Against DEFENDANTS BEAUTY SYSTEMS AND SALLY BEAUTY and Does 1 through 20)

26. Plaintiff restates and incorporates by reference each and every allegation contained in paragraphs 1 through 25 as though fully set forth herein.

27. At all times relevant herein, the FEHA, Government Code sections 12900 et seq., was in full force and effect and binding upon Defendants BEAUTY SYSTEMS and SALLY BEAUTY and Does 1 through 20, which regularly employs more than five individuals and who are employees with Defendants BEAUTY SYSTEMS and SALLY BEAUTY and Does 1 through 20. At all times relevant herein, Plaintiff and the individual defendants were employees and Defendants BEAUTY SYSTEMS and SALLY BEAUTY and those Does 1 through 20 were employers.

28. Under the FEHA, it is an unlawful employment practice, "[f]or an employer, because of [the] . . . physical disability, mental disability, medical condition, . . . sex, [and] gender, . . . of any person . . . to discriminate against the person in compensation or in terms, conditions, or privileges of employment." Gov. Code § 12940(a).

29. Plaintiff was harassed, reprimanded and retaliated against because she was pregnant and could have taken maternity leave. Defendant's treatment of Plaintiff, up to and including her termination, was patently unlawful.

30. As a proximate result of DEFENDANTS' actions against Plaintiff, Plaintiff has suffered

1 economic losses not yet determined, in an amount to be proven at trial.

2 31. As a proximate result of DEFENDANTS' conduct, Plaintiff has suffered and continues
3 to suffer, humiliation, anxiety, severe emotional distress, worry, fear, and injury to her reputation,
4 all to her special and general damage according to proof at the time of trial.

5 32. Plaintiff is informed and believes, and based thereon alleges, that the outrageous
6 conduct of managing agents or supervisory employees of DEFENDANTS, was done with fraud,
7 oppression and malice; with a conscious disregard for Plaintiff's rights; and with the intent, design
8 and purpose of injuring Plaintiff. Plaintiff is further informed and believes that DEFENDANTS
9 through its officers, directors, or managing agents, authorized, condoned and ratified the unlawful
10 conduct of managing agents or supervisory employees of DEFENDANTS toward Plaintiff. By
11 reason thereof, Plaintiff is entitled to punitive or exemplary damages from DEFENDANT/S in a
12 sum according to proof at trial.

13 33. Code of Civil Procedure section 1021 provides that attorneys' fees are recoverable in an
14 action for which they are specifically provided by statute. Government Code section 12965
15 provides that reasonable attorneys' fees and costs are recoverable herein by the prevailing party,
16 within the discretion of the court. Plaintiff has retained an attorney for the prosecution of this
17 action. As a result, Plaintiff is entitled to reasonable attorneys' fees and cost herein incurred.

18 34. Plaintiff also seeks prejudgment interest and costs of action as provided by law.

19 **THIRD CAUSE OF ACTION**

20 **Failure to Prevent Discrimination, and Harassment, and Retaliation**

21 **(Government Code Section 12940(k))**

22 **(Against DEFENDANTS BEAUTY SYSTEMS AND SALLY BEAUTY and Does 1 through 20)**

23 35. Plaintiff restates and incorporates by reference each and every allegation contained in
24 paragraphs 1 through 34 as though fully set forth herein.

25 36. California Government Code section 12940(k) makes it an unlawful employment
26 practice for an employer to "fail to take all reasonable steps necessary to prevent discrimination
27 and harassment from occurring."

28 37. Plaintiff is informed and believes, and based thereon alleges, that in violation of

1 Government Code section 12940(k), each and every defendant, and its agents or employees failed
2 to take all reasonable steps necessary to prevent discrimination and harassment and failed to
3 remedy such discrimination and harassment.

4 38. DEFENDANTS knew that Plaintiff was being harassed and they refused to fully remedy
5 the situation. Not only did Defendants BEAUTY SYSTEMS and SALLY BEAUTY fail to
6 properly train its employees in preventing discrimination or how to properly handle
7 discrimination claims, but Defendants BEAUTY SYSTEMS and SALLY BEAUTY also
8 explicitly punished Plaintiff for exercising her right to maternity leave.

9 39. In perpetrating the above-described misconduct, DEFENDANTS engaged in a pattern,
10 practice, policy and custom of unlawful discrimination against Plaintiff. This misconduct on the
11 part of DEFENDANTS constituted a policy, practice, tradition, custom and usage, which denied
12 Plaintiff and the protections of Government Code section 12940. As a result, DEFENDANTS
13 failed to prevent discrimination, harassment, and retaliation.

14 40. As a result of DEFENDANTS' failure to take all reasonable steps, including the failure
15 to prevent or remedy discriminatorily driven conduct, failure to train, monitor, protect, enforce,
16 and oversee the mandates for anti-discrimination, Plaintiff has suffered general and special
17 damages in an amount exceeding the jurisdictional minimum of this Court.

18 41. As further proximate result of DEFENDANTS actions against Plaintiff, Plaintiff has
19 suffered economic losses not yet determined, in an amount to be proven at trial.

20 42. That the actions of DEFENDANTS and each defendant were malicious, done with
21 intent to harm Plaintiff, to prevent her from exercising her right to complain about discrimination
22 and harassment, and receive a reasonable and good faith investigation from her employers.

23 43. Code of Civil Procedure § 1021 provides that attorneys' fees are recoverable in an action
24 for which they are specifically provided by statute. Government Code § 12965 provides that
25 reasonable attorneys' fees and costs are recoverable herein by the prevailing party, within the
26 discretion of the court. Plaintiff has retained an attorney for the prosecution of this action. As a
27 result, Plaintiff is entitled to reasonable attorneys' fees and cost herein incurred.

28 44. Plaintiff also seeks prejudgment interest and costs of action as provided by law.

FOURTH CAUSE OF ACTION

Failure to Engage in a Good Faith Interactive Process to Determine Reasonable Accommodation
(Government Code Section 12940(n))

(Against Defendants BEAUTY SYSTEMS and SALLY BEAUTY and Does 1 through 20)

45. Plaintiff restates and incorporates by reference each and every allegation contained in paragraphs 1 through 44 as though fully set forth herein.

46. The California Government Code provides at section 12940, in pertinent part:

“It shall be an unlawful employment practice . . . [¶] (n) For an employer . . . to fail to engage in timely, good faith, interactive process with the employee . . . to determine effective reasonable accommodations. . . in response to a request . . . by an employee . . . with a known physical or mental disability or known medical condition.”

47. Plaintiff informed her managers of her pregnancy as required by law – that is, in preparation for a potential period of maternity leave for the birth of her child and the required recovery. Instead of allowing her to take her maternity leave and return to work, she was reprimanded, had her hours cut and was terminated before the birth. BEAUTY SYSTEMS AND SALLY BEAUTY undertook no effort and refused to accommodate Plaintiff’s pregnancy. These actions by BEAUTY SYSTEMS AND SALLY BEAUTY are in violation of an employer’s duty to engage in a good faith interactive process and to provide a reasonable accommodation.

48. DEFENDANTS terminated Plaintiff without engaging in a good faith interactive process as required by Government Code § 12940(n) and accommodating Plaintiff.

49. As a direct and proximate result of the DEFENDANTS’ acts of discrimination, and failure to reasonably accommodate, Plaintiff has suffered and continues to suffer substantial economic losses and interest thereon, in earnings and other employment benefits that Plaintiff would have received. She has suffered and continues to suffer both physical and non-physical injuries, including emotional distress, humiliation, embarrassment and mental anguish all to her damage in an amount according to proof.

50. In doing the acts or failing to do the acts alleged herein above, each and every defendant engaged in discriminatory acts and conduct intentionally, oppressively, with malice towards Plaintiff, or a reckless indifference to his statutorily protected rights and in conscious disregard of

1 the rights, both statutory and common law guaranteed Plaintiff by the State of California. As
2 such, DEFENDANTS are guilty of oppression and malice for which Plaintiff is entitled to
3 punitive damages, in an amount to be proven at trial.

4 51. All actions of DEFENDANTS, their employees, agents and managers, and each of them
5 as herein alleged, were known, ratified and approved by the officers or managing agents of
6 defendant, and each of them as herein alleged, were known, ratified and approved by the officers
7 or managing agents of DEFENDANTS, and each of them.

8 52. Code of Civil Procedure section 1021 provides that attorneys' fees are recoverable in an
9 action for which they are specifically provided by statute. Government Code section 12965
10 provides that reasonable attorneys' fees and costs are recoverable herein by the prevailing party,
11 within the discretion of the court. Plaintiff has retained an attorney for the prosecution of this
12 action. As a result, Plaintiff is entitled to her reasonable attorneys' fees, costs, and related
13 expenses incurred.

14 53. Plaintiff also seeks prejudgment interest and costs of action as provided by law.

15 FIFTH CAUSE OF ACTION

16 Failure to Provide Reasonable Accommodation

17 (Government Code Section 12940(m))

18 (Against Defendants BEAUTY SYSTEMS and SALLY BEAUTY and Does 1 through 20)

19 54. Plaintiff restates and incorporates by reference each and every allegation contained in
20 paragraphs 1 through 53 as though fully set forth herein.

21 55. The California Government Code provides at section 12940, in pertinent part:

22 "It shall be an unlawful employment practice . . . [¶] (m) For an
23 employer . . . to fail to make reasonable accommodation for the known
physical . . . disability of . . . an employee."

24 56. In addition, California Administrative Code, Title 2, section 7293.9, states, in part:

25 "[A]ny employer . . . has an affirmative duty to make reasonable
26 accommodation for the disability of the any . . . employee . . . if the
employer . . . knows of the disability . . . [and] is required to consider
any and all reasonable accommodations . . ."

27 57. DEFENDANTS had knowledge of Plaintiff's medical condition, but refused to reasonably
28 accommodate her and instead terminated her.

58. As a direct and proximate result of DEFENDANTS' acts of discrimination and failure to reasonably accommodate, Plaintiff has suffered and continues to suffer substantial economic losses and interest thereon, in earnings and other employment benefits that Plaintiff would have received. She has suffered and continues to suffer both physical and non-physical injuries, including emotional distress, humiliation, embarrassment and mental anguish all to her damage in an amount according to proof.

59. In doing the acts or failing to do the acts alleged herein above, each and every defendant engaged in discriminatory acts and conduct intentionally, oppressively, with malice towards Plaintiff, or a reckless indifference to her statutorily protected rights and in conscious disregard of the rights, both statutory and common law guaranteed Plaintiff by the State of California. As such, DEFENDANTS are guilty of oppression and malice for which Plaintiff is entitled to punitive damages, in an amount to be proven at trial.

60. All actions of all defendants, their employees, agents and managers, and each of them as herein alleged, were known, ratified and approved by the officers or managing agents of DEFENDANTS, and each of them.

61. Code of Civil Procedure section 1021 provides that attorneys' fees are recoverable in an action for which they are specifically provided by statute. Government Code section 12965 provides that reasonable attorneys' fees and costs are recoverable herein by a prevailing plaintiff, within the discretion of the court. Plaintiff has retained an attorney for the prosecution of this action. As a result, Plaintiff is entitled to her reasonable attorneys' fees, costs, and related expenses incurred.

62. Plaintiff also seeks prejudgment interest and costs of action as provided by law.

SIXTH CAUSE OF ACTION

Retaliation in Violation of the FEHA

(Government Code Section 12940(h))

(Against DEFENDANTS BEAUTY SYSTEMS AND SALLY BEAUTY and Does 1 through 20)

63. Plaintiff restates and incorporates by reference each and every allegation contained in paragraphs 1 through 62 as though fully set forth herein.

64. Government Code section 12940(h) makes it an unlawful employment practice for “any employer or person” to retaliate against an employee because that employee has opposed a discriminatory practice, such as discrimination or harassment.

65. Plaintiff was terminated because she was pregnant and entitled to maternity leave. BEAUTY SYSTEMS AND SALLY BEAUTY’s treatment of Plaintiff, up to and including her termination, was patently unlawful.

66. DEFENDANTS or its agents, employees, and supervisors treated Plaintiff poorly and punished her by cutting her hours, giving her unwarranted reprimands and making comments related to her pregnancy and maternity leave.

67. As a direct and proximate result of the DEFENDANTS’ acts of retaliation, Plaintiff has suffered and continues to suffer economic losses in an amount currently unknown. She has suffered and continues to suffer both physical and non-physical injuries, including emotional distress, humiliation, embarrassment and mental anguish all to her damage in an amount according to proof.

68. In doing the acts or failing to do the acts alleged herein, each and every defendant engaged in discriminatory acts and conduct intentionally, oppressively, with malice towards Plaintiff, or a reckless indifference to her statutorily protected rights and in conscious disregard of the rights, both statutory and common law guaranteed to Plaintiff by the State of California. Any member of the community should not suffer the result of these acts. As such, DEFENDANTS are guilty of oppression and malice for which Plaintiff is entitled to punitive damages, in an amount to be proven at trial.

69. All actions of each defendant, their employees, agents and managers, and each of them as herein alleged, were known, ratified and approved by the officers or managing agents of each defendant.

70. Code of Civil Procedure section 1021 provides that attorneys’ fees are recoverable in an action for which they are specifically provided by statute. Government Code section 12965 provides that reasonable attorneys’ fees and costs are recoverable herein by the prevailing party, within the discretion of the court. Plaintiff has retained an attorney for the prosecution of this

1 action. As a result, Plaintiff is entitled to her reasonable attorneys' fees, costs, and related
2 expenses incurred.

3 71. Plaintiff also seeks prejudgment interest and costs of action as provided by law.

4 **SEVENTH CAUSE OF ACTION**

5 **Retaliation in Violation of Labor Code Section 1102.5**

6 (Against Defendants BEAUTY SYSTEMS and SALLY BEAUTY and Does 1 through 20)

7 72. Plaintiff restates and incorporates by reference each and every allegation contained in
8 paragraphs 1 through 71 as though fully set forth herein.

9 73. In doing the acts alleged herein, and as otherwise proven at trial, each defendant violated
10 Labor Code Section 1102.5, which provides, in part, that:

11 "An employer, or any person acting on behalf of the employer, shall
12 not retaliate against an employee for disclosing information, or because
13 the employer believes that the employee disclosed or may disclose
14 information . . . to a person with authority over the employee or another
15 employee who has the authority to investigate, discover, or correct the
16 violation or noncompliance . . . if the employee has reasonable cause to
believe that the information discloses a violation of state or federal
statute, or a violation of or noncompliance with a local, state, or federal
rule or regulation, regardless of whether disclosing the information is
part of the employee's job duties."

17 74. Plaintiff was retaliated against for opposing unlawful discrimination. Plaintiff disclosed
18 that she was pregnant and needed to take a medical leave causing DEFENDANTS to then harass
19 and terminate Plaintiff.

20 75. As a direct result of DEFENDANTS' conduct, Plaintiff has suffered economic and non-
21 economic damages all in an amount to be proven at trial and in excess of the jurisdictional
22 minimum of this court.

23 76. Pursuant to Labor Code section 1102.5, in addition to other available penalties, an
24 employer that is a corporation is liable for a civil penalty not exceeding ten thousand dollars
25 (\$10,000) for each violation of Labor Code section 1102.5.

26 77. Plaintiff seeks all fees and costs available to her under the Labor Code, Code of Civil
27 Procedure section 1021.5, and all other statutes affording her relief.

28 78. Plaintiff also seeks prejudgment interest and costs of action as provided by law.

EIGHTH CAUSE OF ACTION

Violation of California Pregnancy Disability Leave Laws

(Against Defendants BEAUTY SYSTEMS and SALLY BEAUTY and Does 1 through 20)

79. Plaintiff restates and incorporates by reference each and every allegation contained in paragraphs 1 through 78 as though fully set forth herein.

80. The California Pregnancy Disability Leave Law ("PDLL") is contained in the FEHA and prohibits an employer from interfering with, restraining, or denying the exercise of, or the attempt to exercise, any rights under the PDLL. This includes discharging, discriminating, or retaliating against an employee because of pregnancy (or perceived pregnancy, breastfeeding or related medical conditions). (Gov. Code § 12940(h); 2 Cal. Code Regs. § 11039(a).)

81. When Defendants became aware that Plaintiff was pregnant, they attempted to interfere with her maternity leave rights. Plaintiff did everything she could to please her employer and keep her job despite being entitled to maternity-related leave. When Plaintiff attempted to continue working during her pregnancy, Defendants callously harassed her. Ultimately, Plaintiff was retaliated against for trying to exercise her rights under the PDLL. This treatment led to her termination, which is a clear violation of the law.

82. These actions by DEFENDANTS demonstrate that the substantial motivation behind Plaintiff's termination was the fact that she got pregnant and was entitled to a maternity leave as is her right under the PDLL.

83. These actions by DEFENDANTS were in retaliation for Plaintiff attempting to exercise her right to take a maternity leave.

84. As set forth in Paragraphs 9 through 15, Plaintiff faced adverse employment actions for informing her employer of her pregnancy and potentially taking a maternity leave.

85. As a direct and proximate result of the DEFENDANTS' acts of retaliation, Plaintiff has suffered and continues to suffer substantial economic losses and interest thereon, in earnings and other employment benefits that Plaintiff would have received. She has suffered and continues to suffer both physical and non-physical injuries, including emotional distress, humiliation, embarrassment and mental anguish all to her damage in an amount according to proof.

1 92. Moreover, the public policy must be fundamental, substantial, and well established at
2 the time of discharge. Plaintiff alleges that DEFENDANTS violated articulated public policies,
3 affecting society at large, by violating the statutes and the California Constitution, and as
4 described above, when DEFENDANTS discriminated against Plaintiff and terminated Plaintiff's
5 employment all in violation of Government Code sections 12940 (a), (h), (j), and (k) by allowing
6 DEFENDANTS' employees and supervisors to discriminate against and harass Plaintiff before
7 ultimately terminating her. The company's failure to protect its employees caused a new mother
8 to lose her steady position and then denied her the ability to make a living simply because she
9 decided to have a baby.

10 93. As a direct, foreseeable, and proximate result of the actions of DEFENDANTS, Plaintiff
11 has suffered, and continues to suffer, severe emotional distress, substantial losses in salary,
12 bonuses, job benefits, and other employment benefits she would have received from
13 DEFENDANTS; as well as financial losses, all to Plaintiff's damage, in a sum within the
14 jurisdiction of this court, to be ascertained according to proof.

15 94. Due to the grossly reckless and intentional, malicious, and bad faith manner in which
16 DEFENDANTS conducted itself as described in this cause of action by willfully violating those
17 statutes numerated above, Plaintiff prays for punitive damages against Defendants BEAUTY
18 SYSTEMS and SALLY BEAUTY in an amount within the jurisdiction of this court, to be
19 ascertained by the fact finder, that is sufficiently high to punish Defendants BEAUTY SYSTEMS
20 and SALLY BEAUTY, and to deter them from engaging in such conduct again, and to make an
21 example of them to others.

22 95. Plaintiff also prays for reasonable costs and attorney fees against Defendants BEAUTY
23 SYSTEMS and SALLY BEAUTY as allowed by the FEHA Gov. Code § 12965, for Plaintiff's
24 prosecution of this action in reference to the time Plaintiff's attorneys spend pursuing this cause of
25 action.

26 96. Plaintiff also prays for reasonable costs and attorney fees against DEFENDANTS
27 BEAUTY SYSTEMS AND SALLY BEAUTY as allowed by the FEHA Government Code
28 section 12965, and any other applicable provisions of law for Plaintiff's prosecution of this action

1 in reference to the time Plaintiff's attorneys spend pursuing this cause of action.

2 Wherefore, Plaintiff prays for judgment as follows:

- 3 1. General damages, according to proof;
- 4 2. Special damages according to proof;
- 5 3. Punitive damages;
- 6 4. Attorneys' fees, expenses and costs of action pursuant to Government Code § 12965(b),
- 7 Code of Civil Procedure § 1021.5, and other applicable provisions of law;
- 8 5. Pre-judgment and post-judgment interest as allowed by law; and
- 9 6. Such other relief as the Court deems necessary, just and proper.

10
11 DATED: April 26, 2022

CALIFORNIA EMPLOYMENT
COUNSEL, APC

12
13 By: 

14 RAYMOND E. HANE III
15 NICHOLAS W. HANE
16 Attorneys for Plaintiff, NOEMI GOMEZ
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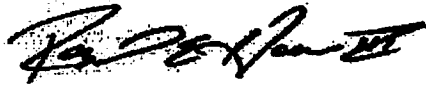
DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all claims and causes of action.

DATED: April 26, 2022

CALIFORNIA EMPLOYMENT
COUNSEL, APC

By:



RAYMOND E. HANE III
NICHOLAS W. HANE
Attorneys for Plaintiff, NOEMI GOMEZ

EXHIBIT B

Electronically FILED by Superior Court of California, County of Los Angeles on 04/26/2022 03:37 PM Sherri R. Carter, Executive Officer/Clerk of Court, by R. Clifton, Deputy Clerk
22STCV13843

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

BEAUTY SYSTEMS GROUP LLC, SALLY BEAUTY HOLDINGS, INC.,
JENNIFER MARTINEZ, and DOES 1 through 20, inclusive

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOEMI GOMEZ

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desachar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court of California, Los Angeles- Stanley Mosk Courthouse
111 North Hill Street, Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

22STCV13843

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Raymond E. Hane, Esq. & Nicholas W. Hane, Esq. California Employment Counsel, APC

600 Anton Boulevard, Suite 1100, Costa Mesa, CA 92626- 714-462-8376 Sherri R. Carter Executive Officer / Clerk of Court

DATE: 04/26/2022
(Fecha)

Clerk, by

(Secretario)

R. Clifton

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. I as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):

Sally Beauty Holdings, Inc.

under: ☒ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

4. ☒ by personal delivery on (date):

Page 1 of 1

EXHIBIT C

22STCV13843

Items 1–6 below must be completed (see instructions on page 2).

- (TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

Page 1 of 2

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other P/DPD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other P/DPD/WD

Non-P/DPD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-P/DPD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage

Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case

Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)
Enforcement of Judgment
Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

EXHIBIT D

SHORT TITLE: Noemi Gomez v. Beauty Systems Group LLC, et al.	CASE NUMBER
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 5-7 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

SHORT TITLE: Noemi Gomez v. Beauty Systems Group LLC, et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input checked="" type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input checked="" type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not Insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Noemi Gomez v. Beauty Systems Group LLC, et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above		
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.		
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.		
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.		
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.		
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.		
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.		
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.		
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.		
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.		
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.		
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.		
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.		
	Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.	
		Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.	
		Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Noemi Gomez v. Beauty Systems Group LLC, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 14398 S Ocean Gate Ave
CITY: Hawthorne	STATE: CA	ZIP CODE: 90250	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: April 26, 2022


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

EXHIBIT E

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp FILED Superior Court of California County of Los Angeles 04/26/2022 Sherri R. Carter, Executive Officer / Clerk of Court By: <u>R. Clifton</u> Deputy
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE		
Your case is assigned for all purposes to the judicial officer indicated below.		CASE NUMBER: 22STCV13843

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	William F. Fahey	69					

Given to the Plaintiff/Cross-Complainant/Attorney of Record

Sherri R. Carter, Executive Officer / Clerk of Court

on 04/27/2022
 (Date)

By R. Clifton, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

STATUS CONFERENCE

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

***Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.

EXHIBIT F

2019-GEN-014-00

FILED
 Superior Court of California
 County of Los Angeles

MAY 03 2019

Sherri B. Carter, Executive Officer/Clerk

By Rizalinda Mina, Deputy
 Rizalinda Mina

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES**

IN RE LOS ANGELES SUPERIOR COURT) FIRST AMENDED GENERAL ORDER
 – MANDATORY ELECTRONIC FILING)
 FOR CIVIL)

On December 3, 2018, the Los Angeles County Superior Court mandated electronic filing of all documents in Limited Civil cases by litigants represented by attorneys. On January 2, 2019, the Los Angeles County Superior Court mandated electronic filing of all documents filed in Non-Complex Unlimited Civil cases by litigants represented by attorneys. (California Rules of Court, rule 2.253(b).) All electronically filed documents in Limited and Non-Complex Unlimited cases are subject to the following:

1) DEFINITIONS

- a) **“Bookmark”** A bookmark is a PDF document navigational tool that allows the reader to quickly locate and navigate to a designated point of interest within a document.
- b) **“Efiling Portal”** The official court website includes a webpage, referred to as the efiling portal, that gives litigants access to the approved Electronic Filing Service Providers.
- c) **“Electronic Envelope”** A transaction through the electronic service provider for submission of documents to the Court for processing which may contain one or more PDF documents attached.
- d) **“Electronic Filing”** Electronic Filing (eFiling) is the electronic transmission to a Court of a document in electronic form. (California Rules of Court, rule 2.250(b)(7).)

e) **“Electronic Filing Service Provider”** An Electronic Filing Service Provider (EFSP) is a person or entity that receives an electronic filing from a party for retransmission to the Court. In the submission of filings, the EFSP does so on behalf of the electronic filer and not as an agent of the Court. (California Rules of Court, rule 2.250(b)(8).)

f) **“Electronic Signature”** For purposes of these local rules and in conformity with Code of Civil Procedure section 17, subdivision (b)(3), section 34, and section 1010.6, subdivision (b)(2), Government Code section 68150, subdivision (g), and California Rules of Court, rule 2.257, the term “Electronic Signature” is generally defined as an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

g) **“Hyperlink”** An electronic link providing direct access from one distinctively marked place in a hypertext or hypermedia document to another in the same or different document.

h) **“Portable Document Format”** A digital document format that preserves all fonts, formatting, colors and graphics of the original source document, regardless of the application platform used.

2) MANDATORY ELECTRONIC FILING

a) Trial Court Records

Pursuant to Government Code section 68150, trial court records may be created, maintained, and preserved in electronic format. Any document that the Court receives electronically must be clerically processed and must satisfy all legal filing requirements in order to be filed as an official court record (California Rules of Court, rules 2.100, et seq. and 2.253(b)(6)).

b) Represented Litigants

Pursuant to California Rules of Court, rule 2.253(b), represented litigants are required to electronically file documents with the Court through an approved EFSP.

c) Public Notice

The Court has issued a Public Notice with effective dates the Court required parties to electronically file documents through one or more approved EFSPs. Public Notices containing effective dates and the list of EFSPs are available on the Court’s website, at www.lacourt.org.

1 d) Documents in Related Cases

2 Documents in related cases must be electronically filed in the eFiling portal for that case type if
3 electronic filing has been implemented in that case type, regardless of whether the case has
4 been related to a Civil case.

5 3) EXEMPT LITIGANTS

6 a) Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt
7 from mandatory electronic filing requirements.

8 b) Pursuant to Code of Civil Procedure section 1010.6, subdivision (d)(3) and California Rules of
9 Court, rule 2.253(b)(4), any party may make application to the Court requesting to be excused
10 from filing documents electronically and be permitted to file documents by conventional
11 means if the party shows undue hardship or significant prejudice.

12 4) EXEMPT FILINGS

13 a) The following documents shall not be filed electronically:

14 i) Peremptory Challenges or Challenges for Cause of a Judicial Officer pursuant to Code of
15 Civil Procedure sections 170.6 or 170.3;

16 ii) Bonds/Undertaking documents;

17 iii) Trial and Evidentiary Hearing Exhibits

18 iv) Any ex parte application that is filed concurrently with a new complaint including those
19 that will be handled by a Writs and Receivers department in the Mosk courthouse; and

20 v) Documents submitted conditionally under seal. The actual motion or application shall be
21 electronically filed. A courtesy copy of the electronically filed motion or application to
22 submit documents conditionally under seal must be provided with the documents
23 submitted conditionally under seal.

24 b) Lodgments

25 Documents attached to a Notice of Lodgment shall be lodged and/or served conventionally in
26 paper form. The actual document entitled, "Notice of Lodgment," shall be filed electronically.

27 //

28 //

1 **5) ELECTRONIC FILING SYSTEM WORKING PROCEDURES**

2 Electronic filing service providers must obtain and manage registration information for persons
3 and entities electronically filing with the court.

4 **6) TECHNICAL REQUIREMENTS**

5 a) Electronic documents must be electronically filed in PDF, text searchable format when
6 technologically feasible without impairment of the document's image.

7 b) The table of contents for any filing must be bookmarked.

8 c) Electronic documents, including but not limited to, declarations, proofs of service, and
9 exhibits, must be bookmarked within the document pursuant to California Rules of Court, rule
10 3.1110(f)(4). Electronic bookmarks must include links to the first page of each bookmarked
11 item (e.g. exhibits, declarations, deposition excerpts) and with bookmark titles that identify the
12 bookedmarked item and briefly describe the item.

13 d) Attachments to primary documents must be bookmarked. Examples include, but are not
14 limited to, the following:

15 i) Depositions;

16 ii) Declarations;

17 iii) Exhibits (including exhibits to declarations);

18 iv) Transcripts (including excerpts within transcripts);

19 v) Points and Authorities;

20 vi) Citations; and

21 vii) Supporting Briefs.

22 e) Use of hyperlinks within documents (including attachments and exhibits) is strongly
23 encouraged.

24 f) Accompanying Documents

25 Each document accompanying a single pleading must be electronically filed as a separate
26 digital PDF document.

27 g) Multiple Documents

28 Multiple documents relating to one case can be uploaded in one envelope transaction.

h) Writs and Abstracts

Writs and Abstracts must be submitted as a separate electronic envelope.

i) Sealed Documents

If and when a judicial officer orders documents to be filed under seal, those documents must be filed electronically (unless exempted under paragraph 4); the burden of accurately designating the documents as sealed at the time of electronic submission is the submitting party's responsibility.

j) Redaction

Pursuant to California Rules of Court, rule 1.201, it is the submitting party's responsibility to redact confidential information (such as using initials for names of minors, using the last four digits of a social security number, and using the year for date of birth) so that the information shall not be publicly displayed.

7) ELECTRONIC FILING SCHEDULE

a) Filed Date

i) Any document received electronically by the court between 12:00 am and 11:59:59 pm shall be deemed to have been effectively filed on that court day if accepted for filing. Any document received electronically on a non-court day, is deemed to have been effectively filed on the next court day if accepted. (California Rules of Court, rule 2.253(b)(6); Code Civ. Proc. § 1010.6(b)(3).)

ii) Notwithstanding any other provision of this order, if a digital document is not filed in due course because of: (1) an interruption in service; (2) a transmission error that is not the fault of the transmitter; or (3) a processing failure that occurs after receipt, the Court may order, either on its own motion or by noticed motion submitted with a declaration for Court consideration, that the document be deemed filed and/or that the document's filing date conform to the attempted transmission date.

8) EX PARTE APPLICATIONS

a) Ex parte applications and all documents in support thereof must be electronically filed no later than 10:00 a.m. the court day before the ex parte hearing.

- b) Any written opposition to an ex parte application must be electronically filed by 8:30 a.m. the day of the ex parte hearing. A printed courtesy copy of any opposition to an ex parte application must be provided to the court the day of the ex parte hearing.

9) PRINTED COURTESY COPIES

- a) For any filing electronically filed two or fewer days before the hearing, a courtesy copy must be delivered to the courtroom by 4:30 p.m. the same business day the document is efiled. If the efiled is submitted after 4:30 p.m., the courtesy copy must be delivered to the courtroom by 10:00 a.m. the next business day.
- b) Regardless of the time of electronic filing, a printed courtesy copy (along with proof of electronic submission) is required for the following documents:
- i) Any printed document required pursuant to a Standing or General Order;
 - ii) Pleadings and motions (including attachments such as declarations and exhibits) of 26 pages or more;
 - iii) Pleadings and motions that include points and authorities;
 - iv) Demurrers;
 - v) Anti-SLAPP filings, pursuant to Code of Civil Procedure section 425.16;
 - vi) Motions for Summary Judgment/Adjudication; and
 - vii) Motions to Compel Further Discovery.
- c) Nothing in this General Order precludes a Judicial Officer from requesting a courtesy copy of additional documents. Courtroom specific courtesy copy guidelines can be found at www.lacourt.org on the Civil webpage under "Courtroom Information."

10) WAIVER OF FEES AND COSTS FOR ELECTRONICALLY FILED DOCUMENTS

- a) Fees and costs associated with electronic filing must be waived for any litigant who has received a fee waiver. (California Rules of Court, rules 2.253(b)(), 2.258(b), Code Civ. Proc. § 1010.6(d)(2).)
- b) Fee waiver applications for waiver of court fees and costs pursuant to Code of Civil Procedure section 1010.6, subdivision (b)(6), and California Rules of Court, rule 2.252(f), may be electronically filed in any authorized action or proceeding.

2019-GEN-014-00

1 (1) SIGNATURES ON ELECTRONIC FILING

2 For purposes of this General Order, all electronic filings must be in compliance with California
3 Rules of Court, rule 2.257. This General Order applies to documents filed within the Civil
4 Division of the Los Angeles County Superior Court.

5
6 This First Amended General Order supersedes any previous order related to electronic filing,
7 and is effective immediately, and is to remain in effect until otherwise ordered by the Civil
8 Supervising Judge and/or Presiding Judge.

9
10 DATED: May 3, 2019



Kevin C. Brazile
KEVIN C. BRAZILE
Presiding Judge

EXHIBIT G

FILED
LOS ANGELES SUPERIOR COURT

MAY 11 2011

JOHN A. CLARKE, CLERK
N. Navarro
BY NANCY NAVARRO, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

General Order Re)	ORDER PURSUANT TO CCP 1054(a),
Use of Voluntary Efficient Litigation)	EXTENDING TIME TO RESPOND BY
Stipulations)	30 DAYS WHEN PARTIES AGREE
)	TO EARLY ORGANIZATIONAL
)	MEETING STIPULATION

Whereas the Los Angeles Superior Court and the Executive Committee of the Litigation Section of the Los Angeles County Bar Association have cooperated in drafting "Voluntary Efficient Litigation Stipulations" and in proposing the stipulations for use in general jurisdiction civil litigation in Los Angeles County;

Whereas the Los Angeles County Bar Association Litigation Section; the Los Angeles County Bar Association Labor and Employment Law Section; the Consumer Attorneys Association of Los Angeles; the Association of Southern California Defense Counsel; the Association of Business Trial Lawyers of Los Angeles; and the California Employment Lawyers Association all "endorse the goal of promoting efficiency in litigation, and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases;"

1 Whereas the Early Organizational Meeting Stipulation is intended to encourage
2 cooperation among the parties at an early stage in litigation in order to achieve
3 litigation efficiencies;

4 Whereas it is intended that use of the Early Organizational Meeting Stipulation
5 will promote economic case resolution and judicial efficiency;

6
7 Whereas, in order to promote a meaningful discussion of pleading issues at the
8 Early Organizational Meeting and potentially to reduce the need for motions to
9 challenge the pleadings, it is necessary to allow additional time to conduct the Early
10 Organizational Meeting before the time to respond to a complaint or cross complaint
11 has expired;

12
13 Whereas Code of Civil Procedure section 1054(a) allows a judge of the court in
14 which an action is pending to extend for not more than 30 days the time to respond to
15 a pleading "upon good cause shown";

16 Now, therefore, this Court hereby finds that there is good cause to extend for 30
17 days the time to respond to a complaint or to a cross complaint in any action in which
18 the parties have entered into the Early Organizational Meeting Stipulation. This finding
19 of good cause is based on the anticipated judicial efficiency and benefits of economic
20 case resolution that the Early Organizational Meeting Stipulation is intended to
21 promote.
22

23
24 IT IS HEREBY ORDERED that, in any case in which the parties have entered
25 into an Early Organizational Meeting Stipulation, the time for a defending party to
26 respond to a complaint or cross complaint shall be extended by the 30 days permitted
27
28

1 by Code of Civil Procedure section 1054(a) without further need of a specific court
2 order.

3
4 DATED: May 11, 2011

Carolyn B. Kuhl
Carolyn B. Kuhl, Supervising Judge of the
Civil Departments, Los Angeles Superior Court

EXHIBIT H



Superior Court of California, County of Los Angeles

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

THE PLAINTIFF MUST SERVE THIS ADR INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT.

CROSS-COMPLAINANTS must serve this ADR Information Package on any new parties named to the action with the cross-complaint.

What is ADR?

ADR helps people find solutions to their legal disputes without going to trial. The main types of ADR are negotiation, mediation, arbitration, and settlement conferences. When ADR is done by phone, videoconference or computer, it may be called Online Dispute Resolution (ODR). These alternatives to litigation and trial are described below.

Advantages of ADR

- **Saves Time:** ADR is faster than going to trial.
- **Saves Money:** Parties can save on court costs, attorney's fees, and witness fees.
- **Keeps Control (with the parties):** Parties choose their ADR process and provider for voluntary ADR.
- **Reduces Stress/Protects Privacy:** ADR is done outside the courtroom, in private offices, by phone or online.

Disadvantages of ADR

- **Costs:** If the parties do not resolve their dispute, they may have to pay for ADR, litigation, and trial.
- **No Public Trial:** ADR does not provide a public trial or a decision by a judge or jury.

Main Types of ADR

1. **Negotiation:** Parties often talk with each other in person, or by phone or online about resolving their case with a settlement agreement instead of a trial. If the parties have lawyers, they will negotiate for their clients.
2. **Mediation:** In mediation, a neutral mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to try to create a settlement agreement that is acceptable to all. Mediators do not decide the outcome. Parties may go to trial if they decide not to settle.

Mediation may be appropriate when the parties

- want to work out a solution but need help from a neutral person.
- have communication problems or strong emotions that interfere with resolution.

Mediation may not be appropriate when the parties

- want a public trial and want a judge or jury to decide the outcome.
- lack equal bargaining power or have a history of physical/emotional abuse.

How to Arrange Mediation in Los Angeles County

Mediation for civil cases is voluntary and parties may select any mediator they wish. Options include:

a. The Civil Mediation Vendor Resource List

If all parties in an active civil case agree to mediation, they may contact these organizations to request a "Resource List Mediation" for mediation at reduced cost or no cost (for selected cases).

- **ADR Services, Inc.** Case Manager Elizabeth Sanchez, elizabeth@adrservices.com (949) 863-9800
- **JAMS, Inc.** Assistant Manager Reggie Joseph, RJoseph@jamsadr.com (310) 309-6209
- **Mediation Center of Los Angeles** Program Manager info@mediationLA.org (833) 476-9145

These organizations cannot accept every case and they may decline cases at their discretion. They may offer online mediation by video conference for cases they accept. Before contacting these organizations, review important information and FAQs at www.lacourt.org/ADR.Res.List

NOTE: The Civil Mediation Vendor Resource List program does not accept family law, probate or small claims cases.

b. Los Angeles County Dispute Resolution Programs

<https://hrc.lacounty.gov/wp-content/uploads/2020/05/DRP-Fact-Sheet-23October19-Current-as-of-October-2019-1.pdf>

Day of trial mediation programs have been paused until further notice.

Online Dispute Resolution (ODR). Parties in small claims and unlawful detainer (eviction) cases should carefully review the Notice and other information they may receive about (ODR) requirements for their case.

c. Mediators and ADR and Bar organizations that provide mediation may be found on the internet.

3. Arbitration: Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration, the arbitrator's decision is final; there is no right to trial. In "nonbinding" arbitration, any party can request a trial after the arbitrator's decision. For more information about arbitration, visit <http://www.courts.ca.gov/programs-adr.htm>

4. Mandatory Settlement Conferences (MSC): MSCs are ordered by the Court and are often held close to the trial date or on the day of trial. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but who instead assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court's MSC programs for civil cases, visit <http://www.lacourt.org/division/civil/C10047.aspx>

Los Angeles Superior Court ADR website: <http://www.lacourt.org/division/civil/C10109.aspx>
For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

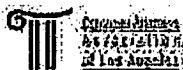


Superior Court of California
County of Los Angeles

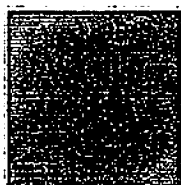


Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION – EARLY ORGANIZATIONAL MEETING			

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, *to discuss and consider whether there can be agreement on the following:*
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
 3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR PLAINTIFF)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's Filing Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION – DISCOVERY RESOLUTION			

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
 - d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
 - e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
 5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
 7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
 8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
--------------	--------------

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

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Date:

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Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR PLAINTIFF)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR _____)

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(ATTORNEY FOR _____)

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(ATTORNEY FOR _____)

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NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			CASE NUMBER:

1. This document relates to:

- ☐ Request for Informal Discovery Conference
☐ Answer to Request for Informal Discovery Conference

2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).

3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).

4. For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION AND ORDER – MOTIONS IN LIMINE			

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
--------------	--------------

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

> _____
(ATTORNEY FOR PLAINTIFF)

> _____
(ATTORNEY FOR DEFENDANT)

> _____
(ATTORNEY FOR DEFENDANT)

> _____
(ATTORNEY FOR DEFENDANT)

> _____
(ATTORNEY FOR _____)

> _____
(ATTORNEY FOR _____)

> _____
(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

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EXHIBIT I

Electronically FILED by Superior Court of California, County of Los Angeles on 05/26/2022 03:24 PM Sherri R. Carter, Executive Officer/Clerk of Court, by R. Yanez, Deputy Clerk

1 IAN G. ROBERTSON, Bar No. 283151
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6 Attorneys for Defendants
7 BEAUTY SYSTEMS GROUP LLC and
SALLY BEAUTY HOLDINGS, INC.
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11
12 NOEMI GOMEZ,

13 Plaintiff,

14 v.

15 BEAUTY SYSTEMS GROUP LLC, SALLY
16 BEAUTY HOLDINGS, INC., JENNIFER
MARTINEZ, and DOES 1 through 2, inclusive,

17 Defendants.
18
19
20
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22
23
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25
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Case No. 22STCV13843

**DEFENDANTS' ANSWER TO
PLAINTIFF'S UNVERIFIED
COMPLAINT**

ASSIGNED FOR ALL PURPOSES TO THE
HON. WILLIAM FAHEY, DEPT. 69

Trial Date: Not Set
Complaint Filed: April 26, 2022

4892-0895-9264.2 / 116245-1000

Defendants BEAUTY SYSTEMS GROUP LLC and SALLY BEAUTY HOLDINGS, INC. (“Defendants”) hereby answer the unverified Complaint (“Complaint”) of Plaintiff NOEMI GOMEZ (“Plaintiff”), as follows:

GENERAL DENIAL

Pursuant to Code of Civil Procedure section 431.30, subdivision (d), Defendants deny each and every allegation contained in the Complaint and deny that Plaintiff was injured or damaged as alleged, or at all.

AFFIRMATIVE DEFENSES

Defendants further assert the following affirmative defenses. By asserting these defenses, Defendants do not concede that they have the burden of proof as to any affirmative defenses asserted below. Defendants do not presently know all the facts concerning the conduct of Plaintiff sufficient to state all affirmative defenses at this time. Defendants will seek leave to amend this Answer should they later discover facts demonstrating the existence of additional affirmative defenses.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Cause of Action)

1. As a separate and distinct affirmative defense, Defendants allege that the Complaint and each cause of action set forth therein fail to state facts sufficient to constitute a cause of action against Defendants.

SECOND AFFIRMATIVE DEFENSE

(Statutes of Limitation)

2. As a separate and distinct affirmative defense, Defendants allege that Plaintiff’s claims are barred, in whole or in part, by the applicable statutes of limitation, including but not limited to California Government Code sections 12960(d) and 12965(b), and California Code of Civil Procedure sections 335.1, 337, and 339.

THIRD AFFIRMATIVE DEFENSE

(Waiver of Rights)

3. As a separate and distinct affirmative defense, Defendants allege that any recovery of Plaintiff’s Complaint is barred, in whole or in part, to the extent that Plaintiff, by reason of her acts, 4892-0895-9264.2 / 116245-1000

conduct, and/or omissions, has waived or released her rights, if any, to obtain the relief sought in the Complaint.

FOURTH AFFIRMATIVE DEFENSE

(Estoppel)

4. As a separate and distinct affirmative defense, Defendants allege that any recovery on Plaintiff's Complaint is barred, in whole or in part, to the extent that Plaintiff, by reason of her acts, conduct, and/or omissions, is estopped from obtaining the relief sought in the Complaint.

FIFTH AFFIRMATIVE DEFENSE

(Laches)

5. As a separate and distinct affirmative defense, Defendants allege that Plaintiff's claims are barred, in whole or in part, by the doctrine of laches.

SIXTH AFFIRMATIVE DEFENSE

(Avoidable Consequences)

6. As a separate and distinct affirmative defense, Defendants allege that a reasonable opportunity for investigation and discovery will reveal that any damages that would otherwise be recoverable by Plaintiff (while denying that any such damages exist) should be limited by virtue of the doctrine of avoidable consequences as set forth in *State Department of Health Services v. Superior Court*, 31 Cal. 4th 1026, 1043 (2003), because: (a) Defendants exercised reasonable care to prevent and correct promptly any unlawful behavior including, but not limited to, having in place appropriate policies and procedures; and (b) Plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities provided by Defendants or to "otherwise avoid harm" as that expression is used in *Burlington Northern Industries, Inc. v. Ellerth*, 524 U.S. 742 (1998), and *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998); and (c) Plaintiff's reasonable use of Defendants' policies and procedures would have prevented at least some, if not all, of the purported harm of which Plaintiff now complains.

SEVENTH AFFIRMATIVE DEFENSE

(Unclean Hands)

7. As a separate and distinct affirmative defense, Defendants allege that Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

(Res Judicata/Collateral Estoppel)

8. As a separate and distinct affirmative defense, Defendants are informed and believe that further investigation and discovery will reveal, and on that basis allege, that the Complaint and each cause of action set forth therein are barred, in whole or in part by the doctrine of res judicata and/or collateral estoppel.

NINTH AFFIRMATIVE DEFENSE

(Failure to Exhaust Administrative Remedies)

9. As a separate and distinct affirmative defense, Defendants allege that the Complaint and each cause of action set forth therein are barred in whole or in part to the extent that Plaintiff failed to exhaust her administrative remedies, and that such failure bars this Complaint in whole or in part. Defendants allege that to the extent the claim is governed by the California Department of Fair Employment and Housing as set out in California Government Code section 12960, Plaintiff failed to exhaust her administrative remedies with the California Department of Fair Employment and Housing ("DFEH") and/or the Equal Employment Opportunity Commission ("EEOC").

TENTH AFFIRMATIVE DEFENSE

(Failure to Exhaust Internal Remedies)

10. As a separate and distinct affirmative defense, Defendants allege that the Complaint and each cause of action set forth therein are barred, in whole or in part, by Plaintiff's failure to exhaust appropriate internal remedies.

ELEVENTH AFFIRMATIVE DEFENSE

(Claims Exceed Scope of Administrative Charges)

11. As a separate and affirmative defense to the Complaint and each purported cause of action therein, Defendants are informed and believe that further investigation and discovery will

1 reveal, that the Complaint and each cause of action set forth therein, or some of them, are barred in
 2 whole or in part because, assuming *arguendo* that Plaintiff did attempt to exhaust any applicable
 3 administrative remedies, the causes of action asserted in the Complaint exceed the scope of any
 4 Charges filed.

5 **TWELFTH AFFIRMATIVE DEFENSE**

6 **(After-Acquired Evidence)**

7 12. As a separate and distinct affirmative defense, Defendants allege that to the extent that
 8 during the course of this litigation they acquire any evidence of additional wrongdoing by Plaintiff,
 9 which wrongdoing would have materially affected the terms and conditions of Plaintiff's employment
 10 and/or would have resulted in Plaintiff either being demoted, disciplined, or terminated, such after-
 11 acquired evidence shall bar Plaintiff's claims on liability or damages or shall reduce such claims as
 12 provided by law.

13 **THIRTEENTH AFFIRMATIVE DEFENSE**

14 **(Consent)**

15 13. As a separate and distinct affirmative defense, Defendants allege that Plaintiff
 16 consented to, encouraged, or voluntarily participated in all actions taken, if any.

17 **FOURTEENTH AFFIRMATIVE DEFENSE**

18 **(Same Decision)**

19 14. As a separate and affirmative defense, Defendants allege that, without admitting that
 20 any unlawful or wrongful acts took place, if any unlawful motive existed in connection with any
 21 employment decision involving Plaintiff, which Defendants deny, Plaintiff's causes of action are
 22 barred because such employment decision would have been the same even without any such unlawful
 23 or retaliatory motive.

24 **FIFTEENTH AFFIRMATIVE DEFENSE**

25 **(Outside of Scope of Authority)**

26 15. As a separate and affirmative defense to the Complaint and each purported cause of
 27 action therein, Defendants allege that some or all of the causes of action in the Complaint cannot be
 28 maintained against Defendants because if employees of Defendants took the actions alleged, such

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1 actions were committed outside the course and scope of such employees' employment, were not
2 authorized, adopted, or ratified by Defendants, and Defendants did not know of nor should they have
3 known of such conduct.

4 **SIXTEENTH AFFIRMATIVE DEFENSE**

5 **(Managerial Privilege)**

6 16. As a separate and affirmative defense, Defendants allege that Plaintiff's Complaint
7 cannot be maintained because Defendants allege that their conduct (and the conduct of Defendants'
8 officers, managers, or employees while acting in the course and scope of employment) is protected by
9 the managerial privilege in that all actions taken with respect to Plaintiff's employment were
10 undertaken and exercised with proper managerial discretion in good faith, and for proper, lawful
11 reasons.

12 **SEVENTEENTH AFFIRMATIVE DEFENSE**

13 **(Prejudgment Interest Impermissible)**

14 17. As a separate and affirmative defense, Defendants allege that Plaintiff's Complaint fails
15 to properly state a claim on which prejudgment interest may be awarded because the amount of any
16 damages is not reasonably certain.

17 **EIGHTEENTH AFFIRMATIVE DEFENSE**

18 **(Mitigation)**

19 18. As a separate and distinct affirmative defense, Defendants allege that Plaintiff's claims
20 are barred to the extent that she failed to mitigate her damages.

21 **NINETEENTH AFFIRMATIVE DEFENSE**

22 **(Legitimate Business Reason and in Good Faith)**

23 19. As a separate and distinct affirmative defense, Defendants allege that they acted
24 reasonably and in good faith at all times material herein based on all relevant facts and circumstances
25 known at the time and that all actions taken with regard to Plaintiff were taken for legitimate, non-
26 discriminatory, and non-retaliatory business reasons.

TWENTIETH AFFIRMATIVE DEFENSE

(Not Severe or Pervasive)

20. As a separate and distinct affirmative defense, Defendants are informed and believe that further investigation and discovery will reveal, and on that basis allege, to the extent the conduct alleged in the Complaint occurred (which Defendants deny), it was not sufficiently severe or pervasive to constitute actionable harassment based on age, disability status, perceived disability status, or any other protected basis, or to alter the terms and conditions of Plaintiff's employment.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Workplace Obligations)

21. As a separate and affirmative defense, Defendants allege that they have satisfied their obligations to ensure a workplace free of discrimination and retaliation.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Reasonable Accommodation)

22. As a separate and distinct affirmative defense, Defendants allege that assuming, *arguendo*, Plaintiff was disabled, Plaintiff did not fully participate in and/or exhaust her obligation to request a reasonable accommodation.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(Hardship)

23. As a separate and distinct affirmative defense, Defendants allege that the Complaint and each cause of action set forth therein is barred because any alleged accommodations that Plaintiff purportedly sought or now claims should have been offered were above and beyond what Defendants were reasonably able to provide and would have caused Defendants an undue hardship and burden.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

(Corrective Action)

24. As a separate and distinct affirmative defense, Defendants allege that the Complaint and each cause of action set forth therein is barred because, at all relevant times, Defendants took prompt and appropriate corrective action in response to Plaintiff's workplace concerns, thereby satisfying all legal obligations they had to Plaintiff, if any.

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TWENTY-FIFTH AFFIRMATIVE DEFENSE

(Justified Treatment)

25. As a separate and distinct affirmative defense, Defendants allege that, assuming, *arguendo*, Plaintiff was treated differently from other employees (which Defendants deny), such treatment was fully justified on differences in individual duties, skill, effort, responsibility, difference in working conditions and/or difference in other reasonable factors other than her alleged disability.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

(Alternative Stressors)

26. As a separate and affirmative defense, Defendants allege that if Plaintiff suffered any emotional distress, her emotional distress was caused by factors other than Plaintiff's employment, the actions of Defendants, or anyone acting on Defendants' behalf. Defendants further allege that Plaintiff contributed to her own distress and, by reason of her contribution, any remedy to which she might otherwise be entitled must be denied or reduced accordingly.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

(Attorneys' Fees and Costs Unwarranted)

27. As a separate and distinct affirmative defense, Defendants are informed and believe that a reasonable opportunity for investigation and discovery will reveal, and on that basis allege, that Plaintiff's Complaint, and each cause of action alleged therein, is barred, in whole or in part, because Plaintiff has failed to state facts sufficient to entitle her to costs of suit incurred herein and/or an award of attorneys' fees.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

(Reasonable Care)

28. As a separate and distinct affirmative defense, Defendants allege that Plaintiff failed to exercise reasonable and ordinary care, caution or prudence and that the alleged injuries and damages, if any in fact were suffered, were proximately caused and/or contributed to by Plaintiff's own negligent and/or intentional conduct and any recovery to which Plaintiff might be entitled must be reduced by reason of Plaintiff's contributory and/or comparative negligence.

TWENTY-NINTH AFFIRMATIVE DEFENSE

(Exclusive Remedy)

29. As a separate and distinct affirmative defense, Defendants allege that the Complaint, and each cause of action alleged therein, seeking damages for emotional and/or physical injury are preempted and barred by the exclusive remedy provisions of the California Workers' Compensation Act, California Labor Code § 132a and 3600, *et seq.*, in that: (1) the injuries complained of allegedly occurred when both Plaintiff and Defendants were subject to California Labor Code §§ 3600 to 3601; (2) at the time of the alleged injuries, Plaintiff was performing services incidental to her employment and was acting within the course and scope of her employment; (3) Plaintiff alleges that the injuries were caused by her employment; (4) Plaintiff's employment was covered by workers' compensation; and (5) Defendants paid the entire costs for that coverage. Accordingly, the Court lacks subject matter jurisdiction over said claims.

THIRTIETH AFFIRMATIVE DEFENSE

(Offset)

30. As a separate and distinct affirmative defense, Defendants allege that further investigation and discovery will reveal that Defendants are entitled to an offset against any relief due Plaintiff, based upon her wrongful conduct and/or monies owed to Defendants.

THIRTY-FIRST AFFIRMATIVE DEFENSE

(Good Faith Effort)

31. As a separate and distinct affirmative defense, Defendants allege that their good faith efforts to prevent discrimination, retaliation, and any other unlawful acts bars any award for punitive damages or exemplary damages as set forth in *Kolstad v. Am. Dental Assn.*, 527 U.S. 526 (1999).

THIRTY-SECOND AFFIRMATIVE DEFENSE

(Failure to State Facts to Support Punitive Damages)

32. As a separate and affirmative defense, Defendants allege that they did not act with malice, oppression, or fraud, nor did they engage in any despicable acts that would warrant the imposition of punitive damages. Thus, Plaintiff's Complaint fails to state facts sufficient to support a claim for punitive damages.

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THIRTY-THIRD AFFIRMATIVE DEFENSE

(Punitive Damages Unconstitutional)

33. As a separate and affirmative defense, Defendants allege that Plaintiff is not entitled to recover punitive damages because the imposition of such damages violates the United States and California Constitutions, in that: (1) such damages are so punitive in purpose and effect as to constitute a criminal penalty, entitling Defendants to rights to be given to Defendants in criminal proceedings under the United States and California Constitutions; (2) such damages constitute an impermissible restriction on speech and a violation of the First Amendment of the United States Constitution; (3) the imposition of such damages would violate Defendants' rights to due process and/or equal protection under the law, under the United States and California Constitutions; and/or (4) the California punitive damages statute is unconstitutional in that it imposes an undue burden on interstate commerce.

THIRTY-FOURTH AFFIRMATIVE DEFENSE

(Emotional Distress Damages Unconstitutional)

34. As separate and affirmative defense to the Complaint and each purported cause of action therein, Defendants are informed and believe that a reasonable opportunity for investigation and discovery will reveal, and on that basis allege that Plaintiff is not entitled to recover emotional distress damages because California's system of emotional distress damages is unconstitutional under *State Farm Mutual Automobile Insurance Co. v. Campbell*, 538 U.S. 408 (2003), as well as the United States and California Constitutions.

THIRTY-FIFTH AFFIRMATIVE DEFENSE

(Frivolous Lawsuit)

35. As a separate and affirmative defense, Defendants are informed and believe that a reasonable opportunity for investigation and discovery will reveal, and on that basis allege, that Plaintiff's causes of action are unreasonable, and/or were filed in bad faith and/or are frivolous and, for that reason, justify an award of attorneys' fees and costs against Plaintiff and her attorneys.

THIRTY-SIXTH AFFIRMATIVE DEFENSE

(Not Defendants' Employee)

36. As a separate and distinct affirmative defense, Defendants allege that the Complaint and each cause of action alleged therein are barred because Plaintiff was not employed by one or more of Defendants at times relevant to this lawsuit.

THIRTY-SEVENTH AFFIRMATIVE DEFENSE

(Arbitration)

37. Defendants allege that the Complaint and each cause of action alleged therein are barred because the Court lacks jurisdiction over this matter in whole or in part. The Complaint and each cause of action set forth therein are subject to binding arbitration. Defendants reserve the right to file a timely motion to compel arbitration if the parties are unable to come to an agreement on this issue.

THIRTY-EIGHTH AFFIRMATIVE DEFENSE

(Repudiation of Sole Forum)

38. Defendants allege that Plaintiff's Complaint and each purported cause of action therein cannot be maintained because Plaintiff has knowingly refused to pursue and has thus repudiated her arbitration remedies by filing the instant action. *See Charles J. Rounds Co. v. Joint Counsel of Teamsters No. 42* (1971) 4 Cal.3d 888, 899; *Martinez v. Scott Specialty Gases, Inc.* (2000) 83 Cal.App.4th 1236; *24 Hour Fitness v. Superior Court* (1988) 66 Cal.App.4th 1199.

THIRTY-NINTH AFFIRMATIVE DEFENSE

(Reservation of Rights)

39. As a separate and distinct affirmative defense, Defendants allege that the Complaint does not describe the claims or facts being alleged with sufficient particularity to permit Defendants to ascertain what other defenses may exist. Defendants will rely on any and all further defenses that become available or appear during discovery in this action and specifically reserves the right to amend their Answer for purposes of asserting such additional defenses.

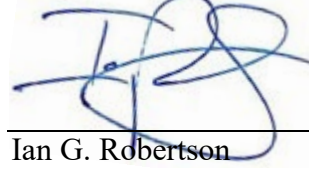
PRAYER

WHEREFORE, Defendants pray that:

1. Plaintiff's Complaint be dismissed in its entirety with prejudice;
2. Plaintiff takes nothing by her action against Defendants;
3. Defendants be awarded their attorneys' fees and costs; and
4. Defendants be awarded such other and further relief as the Court deems just and proper.

Dated: May 26, 2022

LITTLER MENDELSON, P.C.



Ian G. Robertson

Attorneys for Defendants
BEAUTY SYSTEMS GROUP LLC and SALLY
BEAUTY HOLDINGS, INC.

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 18565 Jamboree Road, Suite 800, Irvine, California 92612. On May 26, 2022, I served the within document(s):

DEFENDANTS' ANSWER TO PLAINTIFF'S UNVERIFIED COMPLAINT

- ☒ by having EXPRESS NETWORK place a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Irvine, California addressed as set forth below.
- ☐ by depositing a true copy of the same enclosed in a sealed envelope, with delivery fees provided for, in an overnight delivery service pick up box or office designated for overnight delivery, and addressed as set forth below.
- ☐ by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by causing a copy of the document(s) listed above to the person(s) at the address(es) set forth below to be personally delivered by EXPRESS NETWORK.
- ☐ **courtesy copy** by email. The electronic address of the person making the service is cmendoza@littler.com.
- ☐ BY FTB BISCOM SITE. I caused the above-entitled document to be served by VIA BISCOM addressed to all parties appearing on the service list for this case.
- ☐ Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses on the attached service list on the dates and at the times stated thereon. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. The electronic notification address of the person making the service is cmendoza@littler.com.

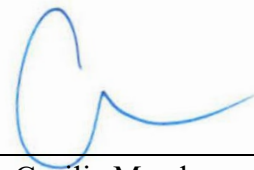
1 Raymon E. Hane III, Esq.
2 Nicholas A. Hane, Esq.
3 CALIFORNIA EMPLOYMENT COUNSEL, APC
4 600 Anton Blvd., Suite 1100
5 Costa Mesa, CA 92626
6 Phone: 714.462.8376

7 Email: rhane@employment-counsel.com
8 nhane@employment-counsel.com

9 *Attorneys for Plaintiff*
10 *Noemi Gomez*

11 I am readily familiar with the firm's practice of collection and processing
12 correspondence for mailing and for shipping via overnight delivery service. Under that practice it
13 would be deposited with the U.S. Postal Service or if an overnight delivery service shipment, deposited
14 in an overnight delivery service pick-up box or office on the same day with postage or fees thereon
15 fully prepaid in the ordinary course of business.

16 I declare under penalty of perjury under the laws of the State of California that the
17 above is true and correct. Executed on May 26, 2022, at Irvine, California.



18 _____
19 Cecilia Mendoza

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 18565 Jamboree Road, Suite 800, Irvine, California 92612. On May 31, 2022, I served the within document(s):

NOTICE TO STATE COURT AND ADVERSE PARTIES OF REMOVAL TO FEDERAL COURT

- ☒ by having EXPRESS NETWORK place a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Irvine, California addressed as set forth below.
- ☐ by depositing a true copy of the same enclosed in a sealed envelope, with delivery fees provided for, in an overnight delivery service pick up box or office designated for overnight delivery, and addressed as set forth below.
- ☐ by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by causing a copy of the document(s) listed above to the person(s) at the address(es) set forth below to be personally delivered by EXPRESS NETWORK.
- ☐ **courtesy copy** by email. The electronic address of the person making the service is cmendoza@littler.com.
- ☐ BY FTB BISCOM SITE. I caused the above-entitled document to be served by VIA BISCOM addressed to all parties appearing on the service list for this case.
- ☐ Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses on the attached service list on the dates and at the times stated thereon. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. The electronic notification address of the person making the service is cmendoza@littler.com.

1 Raymon E. Hane III, Esq.
2 Nicholas A. Hane, Esq.
3 CALIFORNIA EMPLOYMENT COUNSEL, APC
4 600 Anton Blvd., Suite 1100
5 Costa Mesa, CA 92626
6 Phone: 714.462.8376

7 Email: rhane@employment-counsel.com
8 nhane@employment-counsel.com

9 *Attorneys for Plaintiff*
10 *Noemi Gomez*

11 I am readily familiar with the firm's practice of collection and processing
12 correspondence for mailing and for shipping via overnight delivery service. Under that practice it
13 would be deposited with the U.S. Postal Service or if an overnight delivery service shipment, deposited
14 in an overnight delivery service pick-up box or office on the same day with postage or fees thereon
15 fully prepaid in the ordinary course of business.

16 I declare under penalty of perjury under the laws of the State of California that the
17 above is true and correct. Executed on May 31, 2022, at Irvine, California.

18 
19 _____
20 Cecilia Mendoza

PROOF OF SERVICE BY MAIL

I am employed in Orange County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 18565 Jamboree Road, Suite 800, Irvine, California 92612. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On May 31, 2022, I had EXPRESS NETWORK deposit with the United States Postal Service a true and correct copy of the within document(s): **CERTIFICATE OF SERVICE OF NOTICE TO STATE COURT AND ADVERSE PARTIES OF REMOVAL TO FEDERAL COURT** in a sealed envelope, postage fully paid, addressed as follows:

Raymon E. Hane III, Esq.
Nicholas A. Hane, Esq.
CALIFORNIA EMPLOYMENT COUNSEL, APC
600 Anton Blvd., Suite 1100
Costa Mesa, CA 92626
Phone: 714.462.8376

Email: rhane@employment-counsel.com
nhane@employment-counsel.com

Attorneys for Plaintiff
Noemi Gomez

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 31, 2022, at Irvine, California.



Cecilia Mendoza